

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7854 of 1999

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1. The Superintendent of Post Office, Rohtas Division, Sasaram, District Kaimur.
2. Director General, Post and Telegraph Sanchar Bhawan, New Delhi.
3. The Post Master General, Bihar Circle, Patna.
4. The Director, Postal Services, Southern Region, Ranchi. Petitioner/s

Versus

1.The Commissioner, Patna Division, Patna.
2. The Collector, Rohtas, Sasaram, District Rohtas.
The Sub Divisional Magistrate cum-House Controller, Bikramganj, Rohtas.
4. Dr. Kailash Prasad son of Late Mahadev Prasad, Resident of village Sanjhwali,
P.S. Bikramganj District Rohtas.

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Sanjay Kmar, ASG
Mr. Ravinder Kumar Sharma, CGC.
For the Respondent/s : Mr. Manoj Kumar Jha, AC to GP-26

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 17-03-2015

Heard counsel for the petitioner and the respondents.

Petitioners have challenged the order dated 27th April 1998 passed by the Commissioner in exercise of revisional power whereby and whereunder he has set aside the order dated 3rd December 1996 passed by the Collector who has remanded the matter back for fresh consideration to the House Controller setting aside the order passed by the House Controller dated 24th May 1995 whereby and whereunder he has fixed the fair rent of the Post Office building to the tune of Rs.989/- in Case No. 1485 of 1985.

It appears that the respondent no.4 had filed an application for fixation of fair rent as in his house the Post Office was being run by the Union of India. In the application, he made a

prayer for fixation of Rs.1,100/- as he had claimed that the area of the house was appertaining to 1101 sqr. feet having five rooms, one verandah, open space and inner court-yard.

It appears from the record that it is 2nd round of litigation as earlier the S.D.O. had fixed the rent vide order dated 24th November 1992 and 5th February 1993 at Rs.1,050/- per month. That order was challenged before the Appellate authority who remanded back the matter to the Rent Controller, this time also the Collector being appellate authority remanded back the matter to the Rent Controller for taking a fresh decision.

The House Controller heard the matter, made inspection of the premises in presence of parties. At the time of inspection, measurement of the house was made, the Union of India had never made any objection with regard to the dimension of space and rooms which has been mentioned in the inspection report and the House Controller on the basis of report fixed the fair rent.

This Court feels that the fixation of rent has been made on the basis of prevalent market rate. There is no error in the order of the Commissioner as well as the order of the House Controller. The Collector wrongly set aside the order of Home Controller and remanded back for fresh consideration.

It goes without saying that the Union of India will pay the fair rent upto the period the premises was in its possession/use.

With this observation/direction, this petition is disposed of.

Jay/-

(Shivaji Pandey, J)

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