

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No. 9859 of 2013**

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Bhigu Nath Singh @ Bhrigu Nandan Singh Son Of Late Nand Kishore Singh C/o M/S B.P. Enterprises, 104/106 Sukriti Apartment, S.P. Verma Road, Patna And At Present Besides At Mohalla North Kirshnapuri, Anugrah Narayan Path Near International School, P.S. Patliputra District Patna

.... .... Petitioner

Versus

1. Smt. Indira Mishra Wife of Late Jagdish Mishra
2. Rajib Ratan Mishra Son of Late Jagdish Mishra
3. Sanjib Ratan Mishra Son of Late Jagdish Mishra
4. Neelu Mishra Wife of Sri Rajib Ratan Mishra

Respondent no. 1 as Power of Holder of Respondent no. 2, 3, 4 dated 20.11.1998.

All Resident of Mohalla North Krishnapuri, Anugrah Narayan Path, P.S. Patliputra, District Patna. At Present Residing At Jai Prakash Colony, Madhubani P.S. K. Hat District Purnea

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Sunil Srivastava

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

4. 11-08-2015 Heard Sri Sunil Srivastava, learned counsel for the petitioner and learned counsel for respondents.

The petitioner (tenant) has approached this Court invoking its writ jurisdiction with a prayer to set aside an order, which was passed on 11-02-2013 by learned Sub Judge – IV, Patna in Eviction Suit No. 02 of 2006. By the said order, learned court below had allowed the petition filed under Section 15 of the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1982 by the respondents claiming to be landlord of the premises in

question.

At the very outset, learned counsel for respondents submits that in view of order of the court below, the petitioner has started paying rent, however; learned counsel for the petitioner submits that he is paying rent on protest.

Keeping in view the fact that in compliance with the order of the court below, the petitioner has already started paying rent, even on protest, at this stage, it would not be advisable to interfere with the order. However, this matter can be kept open to be adjudicated at the final stage by the court below in the eviction suit.

The writ petition stands disposed of.

**(Rakesh Kumar, J.)**

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