

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 17199 of 2012

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Hari Charan Sah Son of Late Badri Sah Resident of Ward No. 5, Near
Mundeshwari Cinema, P.O. Bhabhuwa, P.S. Bhabhuwa, District Kaimur

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar,
Old Secretariat, Patna
2. The Chief Secretary, Government of Bihar, Old Secretariat, Patna
3. The District Welfare Officer, Kamiur, Bhabhuwa
4. The S.D.O., Bhabhuwa
5. The C.O. Bhabhuwa
6. The Superintendent Welfare Hostel for Schedule Caste/Schedule Tribe,
Bhagwanpur, Bhabhuwa
7. The Welfare Commissioner Bihar, Patna, Old Secretariat, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sarvendra Kumar Verma

For the Respondent/s : AC to Addl. Advocate General - 14

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6. 17-09-2015 Heard Sri Sarvendra Kumar Verma, learned counsel
for the petitioner and learned A.C. to Addl. Advocate General –
14.

The petitioner has approached this Court invoking its
writ jurisdiction under Article 226 of the Constitution of India,
with a prayer to direct the respondents to pay house rent to the
petitioner with adequate interest.

Learned counsel for the petitioner submits that even
after fair rent was fixed by the House Controller, the
respondent/department, who is tenant in the premises of the

petitioner, was not paying rent and as such, the petitioner was constrained to approach this Court.

Learned State counsel submits that against the order of the House Controller, the department had preferred an appeal, however; the appeal stood disposed of on 04-06-2013 without interfering with the fair rent fixed by the House Controller.

Learned State counsel submits that in view of order of the appellate authority, the department is paying rent to the petitioner. However, learned counsel for the petitioner claims that since the arrear rent was paid belatedly, the petitioner is entitled to get interest.

The Court is of the opinion that while exercising power under Article 226 of the Constitution of India, this Court may not adjudicate on this issue.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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