

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 15545 of 2015

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Dilip Kumar Agrawal, son of Late Girdhari Lal Agrawal, resident of Janta
Fancy Vastralaya, Mangal Bazar, Katihar, Distt- Katihar.

.... Petitioner

Versus

1. Dr. Praveen Chandra, Son of Sri Kamakhya Prasad, resident of Mohalla-
Jagarnathpuri Baramasia, P.S.+Distt- Katihar.
2. Kamakhya Prasad, Son of Late Kunj Bihari Lal, resident of Mohalla-
Jagarnathpuri Baramasia, P.S.+Distt- Katihar.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Vijay Anand

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 01-10-2015 Heard Sri Vijay Anand, learned counsel for the
petitioner.

The petitioner, who is a tenant, has approached this
Court invoking its writ jurisdiction under Article 226 of the
Constitution of India against an interim order passed by the
revisional authority i.e. Divisional Commissioner, Purnea,
whereby he has refused to stay the order of the Collector, Katihar.

Learned counsel for the petitioner submits that the
Collector in appeal had enhanced the rent, against the rent fixed
by the House Controller and as such, against the said order, the
petitioner preferred a revision and besides filing revision petition,
he had filed a petition for staying the operation of the order of the

Collector in appeal, which was rejected.

Learned counsel for the petitioner does not dispute the fact that revision is still pending before the Divisional Commissioner Purnea in House Control Revision No. 56 of 2015 and same has not been rejected.

Learned counsel for the petitioner has placed reliance on a Division Bench Judgment of this Court, reported in **1994 (2) P.L.J.R. 712 (Shree Sheo Mandir Mahavir Mandir Nyas Samiti & Anr. –Vs.- State of Bihar & Ors.)**. He submits that in the said case also, the Division Bench has interfered with the interim order. On aforesaid ground, he makes a prayer for staying the operation of the order of the Collector during the pendency of the House Control Revision No. 56 of 2015.

So far as the case on which reliance has been placed, in the said case, the landlord had approached the Court and thereafter, in peculiar facts and circumstances of the said case, such order was passed. However, in the present case, the petitioner is a tenant and he is in occupation of the premises in question and as such, if for the time being, it is assumed that by virtue of illegal order of the Collector, he has been asked to pay enhanced rent, which is subject to adjudication of the Revision Case No. 56 of 2015, the petitioner is not going to suffer

irreparable loss. In absence of such ingredient, there is no question for grant order of stay.

I do not find any ground to interfere with the matter.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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