

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 15500 of 2014

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Deota Devi wife of Shri Shiv Narayan Jha resident of Mohalla- Shivpuri (Bhisa), Dumra, Post Office- Sitamarhi, Police Station- Sitamarhi, District- Sitamarhi

.... Petitioner

Versus

1. The State of Bihar
2. The Secretary, Education Department, Bihar, Patna
3. The Director, Secondary Education, Bihar, Patna
4. The District Education Officer, Sitamarhi, District- Sitamarhi
5. The District Programme Officer (Establishment) District- Sitamarhi
6. The District Inspectress of Schools, Sitamarhi, the then At- Shivpuri (Bhisa) Dumra Sitamarhi
7. The House Controller, Sitamarhi

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajendra Lal Das

For the Respondent/s : AC to Addl. Advocate General - 8

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6. 02-11-2015 Heard Sri Rajendra Lal Das, learned counsel for the petitioner and learned A.C. to Addl. Advocate General – 8.

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 arrear house rent amounting to **Rs. 1,15,726/-** (one lac fifteen thousand seven hundred twenty six) with interest.

Learned counsel for the petitioner submits that the respondents had opened an office of District Inspectress of School in the premises of the petitioner, as tenant, however; the house rent

was not paid to the petitioner by the respondent/State, in view of order of the House Controller. Subsequently, in the year 2011, the premises of the petitioner was vacated by the respondent, however; arrear rent was not paid.

In this case, a counter affidavit has been filed on behalf of respondent no. 5/District Programme Officer (Establishment), Sitamarhi, wherein, the respondent has admitted the due rent amount i.e. **Rs. 1,15,037/-** (one lac fifteen thousand thirty seven) and same has been paid to the petitioner, through cheque dated 22-08-2015. However, nothing has been indicated regarding the interest in respect of delayed payment.

Learned counsel for the petitioner submits that the petitioner is entitled to get interest at the rate of 18% from the date of claim.

It was accepted by both the parties that premises of the petitioner was vacated by respondent in the month of November, 2011.

Accordingly, the Court is of the opinion that at least from the date, on which the premises of the petitioner was vacated, the petitioner is entitled to get interest on the amount of the due rent.

As such, the writ petition stands disposed of with a

direction to the respondents to pay interest on the amount of **Rs. 1,15,037/-** at the simple rate of 6% (six percent), which is to be calculated from the month of November, 2011 till the date of payment of the arrear amount to the petitioner i.e. August, 2015. After calculating the interest amount, the respondents are directed to pay the interest amount to the petitioner within a period of eight weeks from the date of receipt/production of a copy of this order.

The writ petition stands disposed of.

(Rakesh Kumar, J.)

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