

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20373 of 2013

Lalita Kuar W/O Late Ram Nath Pandey Resident Of Rajpur, P.S. Rajpur, District - Buxar

.... Petitioner/s

Versus

1. The Union of India
2. The Union Secretary, Telecommunication Department, Sanchar Bhawan, New Delhi
3. The General Manager, BSNL, Bihar Circle, Central Telegraph Building, Budh Marg, Patna
4. The Telecom District Manager, BSNL, Ara
5. The S.D.O. Phones, Telecommunication Circle, Ara

.... Respondent/s

Appearance :

For the Petitioner/s : Mrs.Sudha Chandra
For the Respondent/s : Mr. Sachchida Nand Singh

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 16-09-2016

Heard the counsel for the petitioner and Mr. Sachchida Nand Singh for the respondent-Bharat Sanchar Nigam Limited (for short 'the BSNL').

The writ application prays for a direction upon the respondent BSNL for payment of the outstanding dues on account of rent for using the premises which belongs to the petitioner. According to the petitioner, the land appertaining to khata no.507, plot no. 538 and part of plot no.537 situated in Mauza Rajpur in the district of Buxar, was recorded in the name of mother of the husband of the petitioner. Her husband became the owner. The respondent BSNL was inducted as tenant on the said land. Right from the date of commencement of the tenancy till date no rent of the premises has been paid to her.

A counter affidavit on behalf of the respondent BSNL is filed wherein it is stated that the subject land along with other land(s) measuring a



total area of 0.92 acres was acquired by the State of Bihar under the Land Acquisition Act inasmuch as a declaration to this effect was made on 24.06.1978 which was also published in the District Gazette on 01.07.1978. The State Government made over the plot in question to the Central Government whereafter the respondent BSNL used the plot for construction of microwave tower. In other words, the respondent BSNL has seriously disputed the title of the petitioner over the land. On the contrary, the petitioner lay claim over the land on the basis of the mutation made in her favour by the revenue authority. However, the agreement, if any, entered between the petitioner or her husband with the respondent has not been placed on record. It has been submitted by Mr. Singh that an inquiry be directed to ascertain whether the land was actually acquired or not by the State.

Upon hearing the parties I do not find any merit in the said contention of Mr. Singh. The petitioner made out a case that the land belonged to her and the respondent BSNL was inducted as tenant thereover. However, the agreement under which the respondent BSNL was offered the land on tenancy basis is not filed. The respondent BSNL, on the other hand, has claimed title over the subject land as the same was acquired by the State Government in accordance with law.

In a case where the prayer is for a direction upon the respondent BSNL to pay the petitioner the rent of the premises from 1983 till date such inquiry is neither necessary nor advisable. Even the agreement under which the tenancy was created has not been placed on record. On the basis of the pleading on record, no relief can be granted to the petitioner. The respondent BSNL has strongly disputed the stand of the petitioner.

The writ application is dismissed.

Dismissal of the writ application shall, however, not preclude the

petitioner from ventilating her grievance before the appropriate authority/forum in accordance with law.

(Kishore Kumar Mandal, J)

HR/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20.09.2016
Transmission Date	