

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14738 of 2013

Satyendra Prasad Singh Son Of Sri Mohit Prasad Singh Resident Of Village-
Noorpur, P.S.- Nath Nagar And District- Bhagalpur, At Present Mohalla- Lodipur,
P.S.- Kotwali And District- Patna

.... Petitioner/s

Versus

1. Bihar State Co-Operative Marketing Union Ltd., Through Its Chairman,
Biscomaun Bhawan, Patna
2. Managing Director, Bihar State Co-Operative Marketing Union Ltd., Biscomaun
Bhawan, Patna
3. Senior State Officer, Bihar State Co-Operative Marketing Union Ltd.,
Biscomaun Bhawan, Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. MOHAMMED ABU HAIDAR
Mr. Abu Shajar
For the Biscomaun Mr Ishwari Singh
Mr. Kumar Kaushik

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT
Date: 21-04-2016

Heard the counsel for the petitioner, the respondent-
Biscomaun as well as the State.

Although vide paragraph 1 of the writ application the
petitioner assails the order dated 08.05.2013 (Annexure-1) issued
by the Sr. Estate Officer of Bihar, but in course of submissions, it
is submitted that the order under challenge is contained in
Annexure-12 passed on 25.09.2012 by the respondent-Bihar State
Co-operative Marketing Union Ltd. (for short 'Biscomaun'). The
matter relates to fair rent of the part/portion of the space located
in Biscomaun Tower near the Gandhi Maidan in the township of
Patna. A writ petition was filed by the petitioner vide CWJC No.

2059 of 2010. The same was disposed of on 06.02.2012 (Annexure-9) permitting the petitioner to file an application for allotment of space as advertised and the respondent-Biscomaun was mandated to let out/lease out the space chosen by the petitioner as per the advertisement.

Indisputably, the space/place chosen by the petitioner has been made over to the petitioner sometimes in October, 2012. Now, the dispute pertains to the rent thereof.

A supplementary affidavit has been filed on behalf of the petitioner. In paragraph 3 thereof it has been stated that the order was passed when the Biscomaun was under suspension. Paragraph 4 of the affidavit details the diverse orders passed by the House Controller-cum-Sub-Divisional Officer, Patna in respect of the fair rent of other tenanted premises of the respondent Biscamaun .

If the petitioner is questioning the justification of the rent charged by the respondent Biscomaun, then he should have approached the House Controller for fixation of rent. As the other tenants, as is evident from the pleadings on record, had approached the House Controller for fixation of rent. Instead of doing so, the writ application has been filed challenging the fixation and realization of rent at a particular rate by the respondent Biscamaun.

Considering the above, the Court is not inclined to invoke its extraordinary and discretionary writ jurisdiction in the matter relegating the petitioner to approach the competent/appropriate authority for redressal of his grievance in accordance with law.

The application is disposed of with the aforesaid observation.

(Kishore Kumar Mandal, J)

HR/-

U			
---	--	--	--