

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14501 of 2013

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1. Kiran Sharma Wife Of Vijay Kumar Sharma Resident Of Mohalla -
Bhagwanpur, Nh 28 (Sapna Market), P.S. Sadar, District - Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Road Construction Department, Govt. Of Bihar, Patna
3. The District Magistrate, Muzaffarpur
4. The House Controller Cum S.D.M. East Muzaffarpur
5. The Superintending Engineer, National High Ways Circle, Muzaffarpur
6. The Executive Engineer, National High Ways Division No.2, Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shishir Kumar, Advocate.

For the State : Dr. Anshuman, SC-14.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 16-05-2016

Heard Mr. Kumar for the petitioner and Dr. Anshuman

SC-14 for the State.

Counter affidavit on behalf of the respondent nos. 3 to 6
is filed.

The respondent-State hired the residential premises of the
petitioner on rent and the office of the National Highway Circle of
Muzaffarpur started functioning in the house of the petitioner since
2005. A dispute about fair rent arose which prompted the petitioner to
approach the House Controller under the Bihar Buildings (Lease,
Rent and Eviction) Control Act, 1982 for fixation of fair rent. The
respondents entered appearance but thereafter it appears no pairvee



was made. The House Controller, by order dated 08.06.2012 (Annexure-1) fixed the fair rent of the premises from 2005 at the rate of Rs. 8000/- per month. . It was made effective up to the year 2007. Similarly, the fair rent for the period 2008 to 2010 was fixed at Rs. 10500/-. From 2011 onwards the rent was fixed at Rs. 14,000/-. The local Officer, in the light of the said order (Annexure-1) requested the government for release of the amount/fund enabling the respondents to pay off the dues. On perusal of Annexure-3, it appears that a sum of Rs. 10,44,000/- was found outstanding against the rent of the premises. It appears the State respondents later decided to file appeal against the order of the House Controller and House Control Appeal no. 06 of 2012 was filed as stated in the counter affidavit. What is the status of the case is, however, not disclosed.

Counsel for the petitioner has stated that even notice thereof has not been served on the petitioner. It is not the case of the respondents that any stay order was passed in the said appeal filed by the respondents. Indisputably, no rent appears to have been paid to the petitioner since 2005. The fair rent having been fixed by the House Controller ought to have been paid to the petitioner but instead of paying any amount the State respondents filed a belated appeal, status whereof is not known to the Court.

In my view, the ends of justice shall be sub served if the

respondents are directed to pay 50% of the amount against the rent of the premises in-question fixed by the House Controller under Annexure-1 as quickly as possible preferably within one month from the date of receipt/production of a copy of this order before the respondent nos. 2, 5 and 6. I order accordingly. The rest amount, payable, shall be paid upon the disposal of the House Control Appeal no. 06 of 2012 which is said to be pending on the file of the Appellate authority (Collector). The interest of justice further demands that the appellate authority should be directed to dispose of the pending House Control Appeal no. 06 of 2012 , if not already disposed of, within three months from the date of receipt/production of a copy of this order before the said respondents. I order accordingly.

The writ application is disposed of.

(Kishore Kumar Mandal, J)

Shyam/-

AFR/NAFR	
CAV DATE	
Uploading Date	23/5/2016
Transmission Date	