

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6275 of 2014

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Ravi Shankar Jha Son of Sri Baidhya Nath Jha Resident of Village -
Balbhadrapur, PS - Laheriasarai, District - Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate Darbhanga, At & P.O.
- Darbhanga, District - Darbhanga (Bihar)
2. The Regional Deputy Director of Education of Darbhanga Division,
Darbhanga, At & P.O. - Laheriasarai, District - Darbhanga (Bihar)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Nath Jha
For the Respondent/s : Mr. Dhurjati Kr Prasad

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 17-10-2016 Heard both sides.

The house of the petitioner was requisitioned/occupied by the Education Department on rent. A proceeding was filed by the petitioner before the Sub-Divisional Magistrate for fixing fair rent of the premises. The Sub-Divisional Officer-cum-House Controller by order dated 30.12.2008 passed in House Control Case No. 08/2008, fixed the rent at Rs. 7.25 per Sq.ft. for a total area of 2006 Sq.ft. The Education Department went in appeal. The respondent-Collector vide order dated 28.12.2012 disposed of the appeal being Appeal No. 121/08-09 whereby the area of the tenanted premises was reduced from 2006 Sq.ft. to 925 Sq.ft. which was found in actual possession of the tenant/appellant.

Indisputably, the respondents have vacated the premises in 2009. The present dispute relates only to the actual area of the house in occupying by the department for which the respondents are obliged to pay rent.

The counsel for the respondents State has rightly submitted that it is a question of fact which should not be gone into by the writ court particularly when the petitioner has remedy of filing revision before the appropriate authority under the relevant provisions of the Act.

In my view, the order of the Collector does not merit to be interfered with by invocation of extraordinary and discretionary writ jurisdiction of the Court. If the petitioner has any grievance thereagainst, he may approach the Revisional Court for the remedy in accordance with law.

The writ application is disposed of.

(Kishore Kumar Mandal, J)

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