

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1532 of 2015

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Raghunath Hathi S/o - Hira Lal Hathi R/o Village - Punaura, P.S. - Sitamarhi ,
District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Revenue and Land Reforms.
2. The Collector , Sitamarhi.
3. The District Certificate Officer, Sitamarhi.
4. The Deputy Collector , (Incharge) Khas Mahal , Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Avinash, Advocate

For the Respondents : Mr. Kamlesh Prasad, AC to SC2

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 08-02-2016

Heard learned counsel for the parties.

The petitioner has moved the Court for quashing the notice dated 14.12.2005 by the respondent no. 3 directing to deposit rent and loss for the year 2004-05 and municipal rent of 2005-06 within 15 days.

Learned counsel for the petitioner relies upon the order passed by this Court on 15.11.2011 in C.W.J.C. 12279 of 2005 by which the Court had directed the petitioners to pay the earlier fixed

rent until fixation of fresh rent in accordance with law was done and the respondents were directed to calculate the arrear dues against the petitioners and serve the same within one month and the petitioners were directed to clear the dues within two months. The petitioners were also directed to pay municipal dues within two months.

Learned counsel for the petitioner submits that he is ready to abide by the directions as given by this Court earlier on 15.11.2011 in C.W.J.C. 12279 of 2005.

Learned counsel for the State submits that the petitioner has challenged the said order after ten years and thus the writ petition should be dismissed on this ground alone. However, he does not dispute that the petitioner is still in possession of the shop.

Having considered the rival contentions, the writ petition stands disposed off in similar terms of the order dated 15.11.2011 in C.W.J.C. 12279 of 2005. However, in view of the fact that the petitioner has not paid dues since 1995 and has approached the Court belatedly, the petitioner shall be liable to pay simple interest @ 5% per annum on the dues both to the authorities as well as of the municipality.

(Ahsanuddin Amanullah, J)

Anjani/-

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