

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15972 of 2015

=====

1. Bindeshwari Poddar son of Late Rajo Poddar @ Rajendra Poddar
resident of village - Bakhari Bazar, P.S. - Bakhari, District - Begusarai.

.... Petitioner/s

Versus

1. Nirmala Kumari wife of Ramadhar Sahu resident of village Bakhari, P.S.
- Bakhari, District - Begusarai.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Yogesh Kumar

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 27-01-2016 Heard learned counsel for the petitioner as well as
learned counsel for the respondent.

The defendant-petitioner has challenged the order dated 19.06.2015 passed by the Munsif, Bakhari in Title Eviction Suit No. 04 of 2013, whereby the court below directed the petitioner-defendant to deposit the arrears of rent as well as current rent in the court below under Section 15 of the Bihar Building (Lease Rent and Eviction) Control Act.

Perused the order passed by the court below. It is admitted that the original landlord was Bisheshwar Prasad Sahoo. The present petitioner claimed himself to be the tenant under son of Bisheshwar Prasad Sahoo whereas the plaintiff-respondent claimed that the petitioner is the tenant of the vendor of the plaintiff. An application was filed under Section 15 of the Bihar Building (Lease Rent and Eviction) Control Act before the court

below and the court below by the impugned order held that since there is dispute regarding as to who will receive the rent, the court below directed the petitioner to deposit the rent in the court below and held that the same may be withdrawn by the person, who will succeed. At paragraph 11 of the writ application, it has clearly been mentioned by this petitioner that there is title suit between the heirs of Bisheshwar Prasad Sahoo being T.S.No. 205 of 2014. The said suit has been filed by Satish Kumar Saha for setting aside the sale deed of the present plaintiff-respondent dated 08.04.2013.

Sub-Section 2 of Section 15 of the B.B.C. Act, provides that if in any proceeding referred to in Sub-section 1, there is any dispute as to the person or persons to whom the rent is payable, the court may direct the tenant to deposit in court. The amount payable by him under Sub-section 1 and in such case, no persons shall be entitled to withdraw the amount until the court decides the suit and makes an order for payment of the same. Therefore, the court below has passed this order under Sub-section 2 of Section 15 of the B.B.C. Act.

In such circumstances, there is no question of interference under Article 227 of the Constitution of India arises. Thus this writ application is dismissed.

(Mungeshwar Sahoo, J.)

brajesh/-

U			
---	--	--	--