

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4312 of 2014

=====

Godhani Devi W/o Late Jaya Nandan Choudhary R/o Village- Dhanpura,
P.O.- Bachari, P.S.- Piro, District- Bhojpur

.... Petitioner/s

Versus

1. The State Of Bihar through D.I.G. (Administration) Bihar, Patna
2. District Magistrate, Bhojpur, Ara
3. Superintendent of Police Bhojpur, Ara
4. Sub-Divisional Police Officer, Piro, Bhojpur

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta

For the Respondent/s : Mr. Manoj Kr. Ambastha

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 29-09-2016 The I.A. No. 7848 of 2016 is filed to substitute the heirs of the original writ petitioner (Godhani Devi) who died during the pendency of the application.

It is submitted that even after the death of the original petitioner, the cause survives. It is further submitted that Vakalatnama on behalf of the applicant who is the son of the petitioner has been filed along with the said I.A.

Having heard the parties, the said application is allowed.

The name of the original petitioner stands deleted and in his place the name of the applicant as the writ petitioner shall be substituted.

The I.A. No. 7848 of 2016 stands disposed of.

Heard the counsel for the petitioner and the State.

The petitioner owns a residential house in the township of Piro district-Bhojpur. It was let out to the State Government for the purpose of the residence and office of the Sub-Divisional Police Officer, Piro. As the rent for the said house was inadequate, the petitioner approached the respondent-House Controller under the Bihar Building Lease Rent and Eviction Control Act 1982 for enhancement of rent. It is stated that upon hearing both sides, the Sub Divisional Magistrate vide order dated 28.09.2006 (Annexure-1) fixed the rent of the premises measuring a total area of 5026 Sq.ft. at Rs. 5026.00/-. Earlier the tenanted premises fetched rent to the petitioner @ Rs. 2600/-. Aggrieved by the said order, the respondents-State have filed appeal before the respondent-District Magistrate-cum-Collector vide appeal no. 1/2008-09 in which on notice the petitioner has appeared. The said appeal has till date not been disposed of by the appellate authority. Resultantly, the petitioner is not in receipt of the enhanced rent of the tenanted premises as fixed by the House Controller. It has thus been prayed that the appellate authority be directed to consider and dispose of the pending appeal no. 01/2008-09 on his file at the earliest.

Upon hearing both sides, this Court finds that the appeal is pending on the file of the respondent-Collector since 2008. In all fairness, the Collector should have disposed of the appeal at the earliest as it concerns payment of rent. In the case at hand, the rent was fixed at Rs. 2600/- per month which was enhanced by the Sub Divisional Magistrate to Rs. 5026/- per month. It is submitted before the Court that as the appeal is pending, he is not getting the benefit of the said order.

The writ application is disposed of by directing the respondent-Collector to take up appeal no. 01/08-09 and dispose of the same in accordance with law as quickly as possible preferably within six weeks from the date of receipt/production of a copy of this order.

(Kishore Kumar Mandal, J)

rohit/-

U			
---	--	--	--