

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1318 of 2013
Arising out of
Civil Writ Jurisdiction Case No. 13344 of 2007
Along with
Interlocutory Application No. 7565 of 2013**

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Uday Raj Gupta, Son of Late Sri Gopal Ji Gupta, Resident of Hasan Bazar, P.O.
Hasan Bazar, P.O. Piro, Bhojpur, Ara Appellant/s

Versus

1. The State Of Bihar, through Chief Secretary, Government of Bihar, Old Secretariat, Patna
2. The Secretary, Health Government Of Bihar, New Secretariat, Patna
3. The Director-in-Chief, Health Services, Government Of Bihar, New Secretariat, Patna
4. The Civil Surgeon, Ara, Bhojpur
5. The District Magistrate, Bhojpur
6. The Medical Officer, State Dispensary, Piro, District - Bhojpur
7. Sub Divisional Officer cum Rent Controller, Piro, Bhojpur

..... Respondent/s

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Appearance :

For the Appellant/s : Mr. L.N.Das, Advocate
Mr. Nazir Alam,
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 13-02-2017

Re: Interlocutory Application No. 7565 of 2013

The application is for condonation of delay of 118 days in filing of the present Letters Patent Appeal.

For the reasons mentioned in the application, we find that sufficient cause is made out for condonation of delay. Consequently, we condone the delay in filing of the present Letters Patent Appeal.

Interlocutory Application is allowed.



Re: Letters Patent Appeal No. 1318 of 2013:

The appellant claims interest on the delayed payment of rent from the tenant through the writ application.

The learned Single Bench dismissed the writ application on the ground that no separate writ application would be maintainable and that no direction can be issued by the writ Court for interest.

We do not find that the said observation while dismissing the writ application filed by the appellant for payment of interest suffers from any illegality or irregularity. Once the House Controller has not granted any interest, the same cannot be claimed in a writ application that too after the order of the House Controller has attained finality.

In view thereof, we do not find any error in the order of the learned Single Bench which may warrant interference in the present intra-Court appeal.

The Letters Patent Appeal is, thus, dismissed.

(Hemant Gupta, ACJ.)

S.Pandey/-

(Sudhir Singh, J.)

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	

