

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6545 of 2013

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Kamal Kumar Gupta @ Kamal Kumar S/O Late Jawahar Prasad R/O Village-
Bagha, Ward No. 1, P.S.- Begusarai Nagar, District- Begusarai.

.... Petitioner/s

Versus

1. Ram Bhushan Prasad Singh
2. Mani Bhushan Prasad Singh
3. Sri Shyam Bhushan Pd. Singh
4. Arvind Kumar Singh all S/O Chandra Sekhar Pd. Singh R/O Village- Mansor,
Pergana Ballia, P.S.- Nayagaon, District- Begusarai. Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 09-01-2017

Heard learned counsel for the petitioner.

By the impugned order, the learned court below has allowed the prayer on behalf of the plaintiff-respondents made under Section 15 of the Bihar Buildings (Lease, Rent and Control) Act, 1982 (hereinafter referred to as the 'B.B.C. Act') and has directed to the defendant-petitioner to deposit the rent in the Nazarat with further direction that the payment of said amount of rent shall abide by the decision of the suit.

Learned counsel for the petitioner has submitted that the petitioner has denied the relationship of landlord and tenant with the plaintiffs and has come out with the case that one Manoj Chourasia who is the real owner to the suit house and the rent is being paid to



him. It has been further also submitted by learned counsel for the petitioner that the rent is being paid to Manoj Chourasia by the petitioner at the rate of Rs. 250/- per month and therefore the direction for deposit of Rs. 1800/- per month by way of rent by the learned court below cannot be sustained.

After considering the submissions and the materials on record, it is manifest that the petitioner has not disputed the quantum of rent as pleaded by the plaintiffs. It further appears from annexure-1 which is petition filed by the plaintiffs under Section 15 of the B.B.C. Act that in paragraph-5 specific averment has been made by the plaintiffs that there is no denial of quantum of rent by the defendant-petitioner in his written statement. During the course of submission, the petitioner could not dispute the aforesaid averment as made in the said petition. By the impugned order, the learned court below has directed to deposit the said amount which would be paid to the successful person after decision of the suit. In this backdrop, this Court is not inclined to invoke the jurisdiction under Article 227 of the constitution of India.

The application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	20.01.2017
Transmission Date	

