

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1536 of 2016

IN

Civil Writ Jurisdiction Case No. 21939 of 2013

- =====
1. Subodh Kumar Jha
 2. Ravi Kant Jha Both are sons of Late Baikunth Jha, Resident of Village- Nagsi, P.S.- Baunsi, District- Banka.

.... Appellant/s

Versus

1. The State of Bihar through the Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Executive Engineer, Minor Irrigation Division, Bhagalpur.
3. The Assistant Engineer, Minor Irrigation, Sub Division, Baunsi, Banka.

.... Respondent/s

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Appearance :

For the Appellants : Mr. Jai Shankar Prasad, Advocate

For the State : Mr. Prem Ranjan Kumar, AC to AAG-IX

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 01-05-2017

In a landlord tenant agreement there being inordinate delay in payment of the rent, the writ petition was filed by contending that the tenant is an officer of the State Government, an office of the State Government is running in the tenanted premises and as there is inordinate delay in payment of rent, the interest be paid.

The learned Writ Court, took note of the agreement in question and finding there to be no agreement for payment of interest or delayed payment, refused to exercise its extra ordinary jurisdiction in a petition under Article 226 of the Constitution. In doing so, no



error has been committed by the Writ Court.

Once there is an agreement of tenancy in the absence of any provision for payment of interest in the tenancy agreement, a mandamous cannot be issued for payment of interest and, therefore, we are of the considered view that the learned Writ Court has not committed any error in rejecting the claim for interest.

The appeal is dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Narendra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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