

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5178 of 2018

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Rajneeti Prasad Singh @ Manohar Singh, Son of Late Ghanshyam Singh,
Resident of NCB Lohiyanagar, Kankarbagh, Ashok Nagar District-Patna
... Petitioner

Versus

1. House Controller-Cum-Sub-Divisional Officer, Patna Sadar, Patna.
 2. The State of Bihar.
 3. Collector-Cum-District Magistrate, Patna.
 4. Mohammad Salim Quraishi, Son of Late Mohammad Subhan Guraishi,
Resident of Langertoli, P.S. Kadam Kuan, District-Patna ... Respondents
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Appearance :

For the Petitioner : Mr. Kumar Uday Singh, Adv.
For the Respondents : Mr. S.C. Yadav- Gp15

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-04-2018 Heard Mr. Kumar Uday Singh, learned counsel for
the petitioner, and learned A.C. to G.P. XV.

In view of the nature of the order this Court intends to
pass, there is no need to issue notice to private respondent no. 4.

The present writ application has been filed for a
direction to respondent no. 2, Collector-cum-District Magistrate,
Patna, to dispose off B.B.C. Appeal No. 429 of 2017-18.

It is submitted by the learned counsel for the
petitioner that the petitioner is the landlord and respondent no. 4
took a part of the house of the petitioner on rent for the purpose
of running a shop, on 01.01.1998 at the rate of Rs.1,200/- per
month, being Shop No. N.C. 1/B, Kankerbagh, Lohiyanagar,
Patna. Thereafter, Respondent No. 4 filed B.B.C. Case No. 34
of 2017 under Section 5 of the Bihar Building (Lease, Rest and



Eviction) Control Act, 1982, on the ground that an amount of Rs.50,000/- was taken by the petitioner as a security money without any receipt and subsequently, Rs. 1,00,000/- was demanded by the petitioner from respondent no. 4.

Before the Collector-cum-District Magistrate, Patna, the petitioner entered appearance and took a stand that he needs the shop, in question, for personal necessity, as he is going to retire from service.

The Executive Magistrate, Sadar, Patna, after hearing the counsel for the parties on 31.08.2017 fixed the rent of shop at the rate of Rs.120/- per square feet, which comes to the tune of Rs.20,400/- for 170 square feet, which will be paid to the petitioner from the date of the order.

Being aggrieved by the said order, respondent no. 4 preferred B.B.C. Appeal No. 429 of 2017-18 under Section 24 of the B.B.C. Act before the Collector-cum-District Magistrate, Patna, against the order, dated 31.08.2017, passed by the Housing Controller-cum-Subdivisional Officer, Patna, but, till date, the said appeal has not been disposed off. Hence, the present writ application has been preferred.

At present, the learned counsel for the State does not have any instruction whether B.B.C. Appeal No. 429 of 2017-



2018 has been disposed of or not, but, if the appeal has not been disposed of, it will be disposed of within a certain time frame.

Having heard learned counsel for the parties, the mandate of Section 24 of the B.B.C. Act does not prescribe a time frame for disposal of the appeal, but, it does not mean that quasi judicial matters can be kept pending, by the respondent-authority, for an indefinite period, particularly, when the landlord is suffering at the hands of the tenant, who is not making payment of the rent.

In the circumstances, it is expected that the Collector-cum-District Magistrate, Patna, will dispose of the B.B.C. Appeal No. 429 of 2017-18 within a period of two months, from the date of receipt/production of a copy of this order, after notice to the persons, concerned.

Accordingly, with the above observation and direction, the present writ application is **disposed of**.

(Dinesh Kumar Singh, J)

Shamshad/-

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