

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4219 of 2017

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1. Krishna Kumar, Son of Sri Ayodhya Prasad Verma, Koyala Ghat, Bhagalpur Near Sadar Dak Bungla, Shop Nos. 8,9,10,11 P.S. Sadar, Distreict-Bhagalpur
 2. Deepak Kumar, Son of Sri Dhananjay Mandal, resident of C.C. Mukherjee Road, Adampur, P.S. Sadar, District - Bhagalpur
 3. Kumar Kusumakar, Son of Sri Niranjan Prasad Singh, resident of Kunj Bhawan, Gola Ghat, Naya Bazar, P.S. Tatarpur, District - Bhagalpur

... .. Petitioners

Versus

1. The Zila Parishad, Bhagalpur through its Chairman
2. The Deputy Development Commissioner - Cum - Chief Executive Officer, Zila Parishad, Bhagalpur, District-Bhagalpur

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Shreenandan Prasad Singh, Advocate Mr. Naves Nandan, Advocate Mr. Prakritita Sharma, Advocate
For the Respondent/s	:	Mr. Najmul Hodda, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 19-09-2019 Heard learned counsel for the parties and perused the records.

Petitioners in the present case are seeking a writ in the nature of mandamus, commanding the respondents not to evict them from the premises forcefully and by applying force. Although the petitioners have also prayed for setting aside the order as contained in Memo No. 404 dated 31st October, 2016 as contained in Annexure '4' to the writ application, however, learned counsel for the petitioners submits that so far as the issues arising out of Annexure '4' are concerned those are not



required to be gone into by this Court at this stage because the matter is pending consideration before the Rent Controller and the parties may be left to participate in the proceeding before the Rent Controller and get the same decided in accordance with law.

To that extent learned counsel for the respondents have no objection as the matter is sub-judice before the Rent Controller, the issue of increase in the rate of rent may be decided there. Learned counsel for the respondents, however, submits that the petitioners are defaulters and they have committed breach of agreement and they are liable to be evicted from the premises.

After hearing learned counsel for the parties, this Court is of the considered opinion that for whatever reason the petitioners are required to be evicted, the respondents would be within their right to take appropriate steps for their eviction in accordance with law and the petitioners will have an opportunity to contest that eviction within the scope of the provisions of the Rent Control Act or any other provisions which may be applicable in the facts of the present case but the Court cannot approve any forceful eviction of the petitioners by the respondents without following the established procedure of



law.

In the given facts and circumstances, this writ application is being disposed of with a direction to the respondents not to go for forceful eviction of the petitioners without following the established procedure of law. The respondents would, however, be always free to take appropriate steps in accordance with law to evict the petitioners if they are defaulters and are ultimately found to be liable for eviction by a competent court or tribunal, as the case may be.

The petitioners will be liable to pay the rate of rent as per Annexure- '4' until it is interfered with by the Rent Controller.

(Rajeev Ranjan Prasad, J)

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