

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4775 of 2019

Awadh Kumar Jaiswal, aged about 39 years, Male, Son of Shivmurat Jaiswal
Resident of Village- Dirkhili, P.O.- Akorhi, P.S.- Durgawati, Distt- Kaimur at
Bhabhua

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of General Administration, Bihar, Patna
2. The District Magistrate, Kaimur at Bhabua
3. The D.D.C.-cum-Chief Executive Officer, District Board, Kaimur at Bhabhua
4. The Sub Divisional Officer, Mohania, Kaimur at Bhabhua
5. The Circle Officer, Mohania, Kaimur at Bhabua
6. Vijay Bahadur Singh Son of Late Ramjeet Singh Resident of Village- Isiya, P.O.- Badadhi, P.S.- Durgawati, District- Kaimur at Bhabhua

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.
For the Respondent/s	:	Mr.Md.Nadim Seraj (GP5)
		Mr. Shailesh Kumar, A.C. to G.P.-5

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 11-07-2019 No one appears on behalf of the petitioner.

Learned counsel for the State is present.

Petitioner in the present case is aggrieved by and dissatisfied with the order dated 16.11.2018 passed by the Collector-cum-District Magistrate, Kaimur (Bhabhua) in Rent Fixation Appeal Case No. -1 of 2015-16. It appears that the impugned order has been passed after hearing both the sides and against this appellate order a revision application is maintainable under Section 26 of the Bihar



Building (Lease, Rent and Eviction) Control Act, 1982
(hereinafter referred to as the “Act of 1982”).

Learned counsel for the State submits that since the petitioner has got an alternative statutory remedy and no jurisdictional error has been pointed out in the writ application, it would only be just and proper that the petitioner is relegated to the statutory remedy of revision.

This court having perused the materials available on the record is in agreement with the submissions of learned counsel for the State. The petitioner has got statutory remedy of revision under Section 26 of the Act of 1982, this court is, therefore, not willing to exercise its discretionary power that too when no jurisdictional error has been pointed out in the writ application.

The writ application is being disposed of with liberty to the petitioner to seek his remedy in revision before appropriate authority in accordance with law. It is made clear that this court has not gone into the merit of the matter and it will be totally independent exercise by the revisional authority if a revision application is preferred within 30 days from today.



In case, any question of limitation arises for consideration the same will be considered keeping in mind that petitioner was pursuing his remedy before this court.

(Rajeev Ranjan Prasad, J)

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