

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.438 of 2019**

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Mohammad Mahgu Son of Late Ghaffar Mian, Resident of Mohalla-Karim Chak, Rahat Road, P.S.-Chapra Town, District-Chapra, Saran

... .. Petitioner

Versus

Pradeep Kumar Vyahut Son of Late Yogendra Pd. Vyahut Resident of Mohalla-Nai Bazar, P.S.-Bhagwan Bazar, District-Chapra, Saran

... .. Respondent

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Appearance :

For the Appellant/s : Mr. Rajesh Kumar
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT**

Date : 19-07-2019

In the instant application preferred under Article 227 of the Constitution of India, the petitioner has prayed for quashing the judgment dated 21.12.2018 passed by the learned Munsif 1st, Chapra in Eviction Suit No. 01 of 2006 (CIS No. 72 of 2014) whereby the eviction suit filed by the respondent-plaintiff under the provisions of the Bihar Buildings (Lease, Rent & Eviction) Control Act, 1982 (for short 'BBC Act') has been allowed.

2. In view of the proviso to sub-section (8) of Section 14 of the BBC Act, which provides that on an application being made within sixty days of the date of the order of eviction, the High Court may for the purpose of satisfying itself that an order under the section is according to law, call for the records of the case and pass such order in respect thereto as it thinks fit.



3. In view of the proviso to sub-section (8) of Section 14 of the BBC Act, the instant application under Article 227 of the Constitution of India is not maintainable. Accordingly, it is dismissed. However, the petitioner would be at liberty to file statutory revision as provided under sub-section (8) of Section 14 of the BBC Act against the judgment impugned.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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