

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9927 of 2019

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1. Rajeev Ranjan Prasad Son of Late Sachidanand Das, Resident of Village-Pursab Sarai, Krishna Puri, P.O. Munger, P.S. Kotwali, District-Munger.
 2. Dharmendra @ Dharmendra Kumar Son of Hridaya Narayan Yadav Resident of Mohalla-Krishna Puri, Near D.J. Callege, P.S. Kotwali, District-Munger
 3. Md. Moazzam Arif @ Arif Sonof Md. Hafiz Abbas Resident of Mohalla-Choramba, P.S. Kotwali District-Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Cum the Collector. Munger
2. The Sub-Divisional Officer (SDO) Cum Chairman Goshala Samittee, Munger
3. The Circle Officer (C.O.) Sadar Munger.
4. The Secretary Sri Goshala Samittee, Purabsarai, Munger.
5. The In-Charge Secretary, Sri Goshala Samittee, Purabsarai, Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar
For the Respondent/s : Mr.Raj Kishore Roy (Gp18)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 01-05-2019 Heard learned counsel for the petitioners and the counsel
appearing on behalf of the State.

The Rent Controller in a proceeding vide order contained in
Memo No. 157 dated 22.02.2019 fixed rent of 23 shopkeepers.

After order of the Rent Controller an agreement was
entered between the petitioners and Goshala Samiti and thereafter,
those who are not willing to sign the agreement they were asked
to evict the shop. If the petitioners are not inclined to accept fair
rent, they have remedy available bay way of appeal under the
Provision of Bihar Building (Lease, Rent and Eviction) Control



Act 1982.

Since the statutory remedy is available, the Court is not inclined to grant any indulgence to the petitioners. However, liberty shall be available to the petitioners to approach the Appellate Authority who shall consider the case of the petitioners in accordance with law.

Having heard the parties, the Court is of the view that the present application that remedy is available under the scheme of Bihar Building (Lease, Rent and Eviction) Control Act 1982. In the event the petitioners files the appeal before the statutory authority, the Statutory authority may consider the desirability to grant interim relief considering the fact that petitioners have been continuing in the shop for the last more than 3 or 4 decades.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

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