

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10858 of 2019

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1. Lalan Prasad @ Lalan Raut, Male aged about 70 years, son of late Hira Raut.
 2. Vikash Kumar, Male aged about 35 years, son of late Lakshman Prasad.
 3. Vimla Devi, Female, aged about 43 years, wife of Late Raghunath Raut.
 4. Amka Raut @ Ambika Raut @ Ambika Prasad, Male aged about 45 years, son of late Sheo Raut, all resident of Mohalla-Chand Chaura, Vishnupad Road, Police Station-Civil Line, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The samwas Sadan Samiti, Gaya through its Secretary.
3. The District Magistrate-cum-Secretary, Samwas Sadan Samiti, Gaya
4. The Administrator-cum-senior Deputy Collector, samwas sadan, Gaya
5. The Secretary, Samwas Sadan Samiti, Gaya
6. The Sub-Divisional Officer, Gaya Sadar, Gaya
7. The Special Officer, Collectorate, Gaya

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Verma Mr.Sunil Kumar Yadav
For the Respondent/s	:	Mr.Abhoy Kumar Kashyap (Gp18)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 14-05-2019 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the State.

Petitioners have filed this present application for quashing the notice issued by respondent no.5, directing the petitioners to deposit enhanced rent.

Learned counsel for the petitioners would submit that under the Rule 3(v) of the Bihar Building (Lease, Rent and Eviction) Control Rules, 1983 the enhancement is only permissible up to 50 per cent but in the instant case rent was



enhanced 20 times which runs contrary to the rules framed under Bihar Building (Lease, Rent and Eviction) Control Rules, 1983 which is quoted below for ready reference:-

“ 3. The Controller may determine the fair rent of a building either on the application by the landlord or by the tenant in possession of the building or on his own motion as also on the application of the landlord of prospective tenant.

(v) If at any time after the first fixation of standard of rent the market price of the land and the cost of construction increases by more than twenty-five per cent on the basis of the value of the land and the cost of construction estimated at the subsequent prevailing market rates, then the landlord shall be entitled to have the monthly rent increased by an amount not exceeding one-twelfth of the seven half per cent of the additional increase in the original market price of the land and the cost of construction from the date as may be determined in the manner prescribed subject to a maximum of fifty per cent of the original standard rent.”

From perusal of the Rules this Court finds that enhancement is permissible only to the extent of fifty per cent and as such accepted the submission of the petitioners that enhancement beyond fifty per cent is nullity and without jurisdiction. Accordingly, the writ petition is allowed.



The demand for payment of enhanced rate beyond fifty per cent is held to be without jurisdiction and accordingly the same is quashed. However, respondent may decide the fair/enhanced rent in accordance with the provision of Rule 3(v) of the Bihar Building (Lease, Rent and Eviction) Control Rules, 1983.

With the aforesaid, the writ petition stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

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