

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10950 of 2019

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Mamta Kumari, Wife of Sri Arbind Kumar, Resident of village- Hajampur,
Police Station- Sakurabad, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Social Welfare, New Secretariat, Govt. of Bihar, Patna.
2. The Principal Secretary, Social Welfare, New Secretariat, Govt. of Bihar, Patna.
3. The Director, Social Welfare, New Secretariat, Govt. of Bihar, Patna.
4. The Divisional Commissioner, Bhagalpur.
5. The Collector, Bhagalpur.
6. The House Controller-cum-Sub-Divisional Magistrate, Bhagalpur Sadar, Bhagalpur.
7. The Superintendent of Remand Home, Bhagalpur, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan, Advocate
For the Respondent/s : Smt. Kumari Amrita (GP-3)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 15-05-2019 Heard learned counsel for the petitioner and the respondents.

2. The petitioner is the landlord of the premise, which was under the occupation of State of Bihar and used as Remand Home, Bhagalpur.

3. In 2012, the petitioner filed a petition for determination of fair rent. In House Control Case No. 09 of 2012, the Rent Controller fixed fair rent on 27.02.2013. Thereafter the State preferred appeal and the appeal was allowed



and the matter was remitted for fresh determination. Thereafter the petitioner filed C.W.J.C. No. 4935 of 2015, which disposed of on 08.09.2015 with a direction to the petitioner to file appropriate application before the House Controller. Thereafter the petitioner filed a petition before the House Controller, which was registered as House Controller Case No. 15 of 2015. The Rent Controller after hearing the parties fixed the fair rent as Rs.33,000/-. Thereafter appeal was preferred by the State being Appeal No. 1 of 2017-18 before the Collector, Bhagalpur . The appellate authority allowed the appeal and held out that the determination of fair rent by the House Controller after handing over vacant possession is not maintainable. Thereafter the petitioner filed revision before the Commissioner, Bhagalpur Division, Bhagalpur. The Commissioner on consideration of the entire materials on record held out that the Collector, Bhagalpur committed error in allowing the appeal and the revisional court vide order dated 12.02.2019 granted two months time to the Collector to pass appropriate order in the appeal on remand.

4. Learned counsel for the petitioner submits that the Collector is adopting dilly dally attitude and not passing any order on the appeal of the petitioner.

5. Considering the aforesaid, the writ application is



disposed of with a direction to the Collector, Bhagalpur to dispose of the statutory appeal under the Bihar Building (Lease, Rent and Eviction) Control Rules, 1983, if not already decided, within a maximum period of 30 days after the general election.

6. It is made clear that any further delay shall be viewed seriously.

(Anil Kumar Upadhyay, J)

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