

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7059 of 2020

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Ramavati Devi Wife of Satya Narayan Singh, Resident of -Ramlila Mathiya,
Police Station-Bhagwan Bazar, District-Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt Bihar, Patna.
2. The Commissioner, Saran Division, Saran at Chapra
3. The District Magistrate-Cum-Chairman, Chapra Club, Saran at Chapra.
4. The Deputy Development Commissioner, Saran at Chapra
5. The Additional Collector, Saran at Chapra.
6. The Sub-Divisional Officer-Cum-General Secretary, Chapra Club, Saran at Chapra.
7. Sri Binod Kumar Rastogi, Ex-Secretary, Chapra Club, Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Bindhyachal Singh
		Mr.Satya Prakash
For the Respondent/s	:	Mr.Lalit Kishore (AG)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 07-07-2020 Heard learned counsel for the parties.

The petitioner is seeking quashing of letter No. 151 dated 24.10.2019, issued by the Sub-Divisional Officer, Chapra-cum-General Secretary, Chapra Club, Saran at Chapra, whereby the petitioner had been asked to deposit the rent in respect of the shop leased out in her favour till 31.10.2019.

It transpires that the said communication has been made in the light of an order passed by the Sub-Divisional Magistrate, Sadar, Chapra in Rent Fixation Case No. 04/2015



dated 13.06.2015. The said order dated 13.06.2015 was passed in respect of several persons including this petitioner, who were settlees of shops. Some of the persons, aggrieved by the order of the Sub-Divisional Officer, have approached the Collector, Saran by filing appeal. It is the case of the petitioner that the appeal is still pending and the respondents have, during pendency of the appeal, taken steps to seal the shop premises during the lockdown, for non-payment of arrears of rent.

On perusal of the memo of appeal, it seems that the petitioner has not preferred any such appeal against the order of the Sub-Divisional Officer, though she has been impleaded as a proforma respondent in the said appeal.

Mr. Bindhyachal Singh, learned counsel appearing on behalf of the petitioner has argued that it was simply out of misconception of law that the petitioner, being party in the said appeal before the Collector, Saran, did not prefer any separate appeal against the order of the Sub-Divisional Officer-cum-Rent Controller. In such circumstance, he seeks permission to withdraw this application with a liberty to file separate appeal before the Collector, Saran.

This application is permitted to be withdrawn with the liberty as sought for. If the petitioner prefers an appeal, the



Collector may consider, in accordance with law, the petitioner's application, if any, for condonation of delay in preferring the appeal, keeping in mind the submission which has been advanced on behalf of the petitioner as noted above. The Collector shall, if delay is condoned, consider the petitioner's prayer for grant of any interim order, if any application for such purpose is filed.

This application stands disposed of with the aforesaid observation.

(Chakradhari Sharan Singh, J)

Rajesh/-

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