

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1641 of 2020

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1. Lalan Prasad @ Lalan Raut, Son of Late Hira Raut, Resident of Mohalla- Chand Chaura, Vishnupath Road, Police Station - Civil Line, District- Gaya.
 2. Vikash Kumar, Son of Late Lakshman Prasad @ Lakshman Raut, Resident of Mohalla- Chand Chaura, Vishnupath Road, Police Station - Civil Line, District- Gaya.
 3. Vimla Devi, Wife of Late Raghunath Raut, Resident of Mohalla- Chand Chaura, Vishnupath Road, Police Station - Civil Line, District- Gaya.
 4. Amka Raut, @ Ambika Raut @ Ambika Prasad, Son of Late Sheo Raut, Resident of Mohalla- Chand Chaura, Vishnupath 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 Chairman Samwas Sadan Samiti, Gaya.
4. The Administrator-cum-Senior Deputy Collector, Samwas Sadan Samiti, Gaya.
5. The Secretary, Samwas Sadan Samiti, Gaya.
6. The Sub Divisional Officer, Sadar Gaya Distt. Gaya.
7. The Special Officer, Collectariate, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Yadav
For the Respondent/s : Mr.Md.Khurshid Alam (Aag12)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 18-02-2020

Heard the learned counsel for the parties.

The petitioners, who are Class-III shop-keepers in
Samwas Sadan Samiti, Gaya, are aggrieved by the



enhancement and fixation of rent at the rate of Rs. 4/- per square feet but with retrospective effect.

It appears from the records that earlier an enhancement was ordered which was more than 50 per cent which was not permissible.

On the petitioners agitating about such enhancement of rent which is beyond 50 per cent before this Court *vide* C.W.J.C. No. 10858 of 2019, this Court *vide* order dated 14.05.2019, on referring to the provision contained in Bihar Building (Lease, Rent and Eviction) Control Rules, 1983, found such enhancement to be beyond the rules and quashed the same.

The respondent, however, were directed to decide the fair / enhanced rent in accordance with Rule 3(v) of the Bihar Building (Lease, Rent and Eviction) Control Rules, 1983.

Pursuant to the aforesaid order, the petitioners were noticed *vide* intimation dated 11.07.2019 and were given only three days' time to appear before the Sub-



Divisional Officer, Gaya, for presenting their case with respect to enhancement.

It appears that a very short time was given to the petitioners and without taking into account the objection of the petitioners, the rent though has been enhanced less than 50 per cent but is sought to be implemented with retrospective effect.

For the reasons that the petitioners have not been heard and the rent fixation / enhancement has been ordered with retrospective effect, this Court deems it appropriate to direct the Sub-Divisional Officer, Gaya (Respondent No. 6) to give a re-look at the matter, hear the stand of the petitioners and then pass a fresh order in accordance with law, on the petitioners making a suitable representation before him within a period of three weeks.

Needless to state that the stand of the petitioner shall be taken into account and only thereafter a reasoned order shall be passed with respect to enhancement of rent.



The aforesaid order shall be passed within a period of two weeks from the date of receipt of such representation.

Before the fresh assessment of rent, the petitioners shall not be insisted upon for making payment at the current rate but only at the rate which was being exacted from them from before.

With the aforesaid observation / direction, this petition stands disposed off.

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	20.02.2020
Transmission Date	

