

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5764 of 2021

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Mritunjay Prasad Singh @ Mritunjay Kumar Singh, male, aged about 65 years, Son of Late Devendra Prasad Singh, Resident of Village and P.O. - Nad, P.S. Sheosagar, District - Rohtas, presently residing at Mohallah - Kampany Sarai, Kali Asthan (Behind Manorama Pandey House), P.S.- Town Sasaram, District - Rohtas (Bihar).

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Rohtas at Sasaram.
4. Zila Parishad Rohtas at Sasaram through its Chief Executive Officer.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Dhanendra Chaubey, Adv.
For the Respondents : Dr. Anand Kumar with Mr. Abhay Shankar Jha,
Advocates

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

4 28-01-2022 This matter has been taken up for hearing online because of COVID-19 pandemic restrictions.

2. The petitioner is occupying shop no. 15 in the ground floor and first floor of (Sasaram Dak Bungalow) purportedly under a deed of lease dated 08.11.2011, a copy of which has been brought on record by way of Annexure-3 to the writ application. For certain allegations against the petitioner, he has



been asked to vacate the said shop.

3. The Clause 8(b) of the said lease deed clearly stipulates that any action for evicting the lessee and realization of damages shall be made according to the provisions of Bihar Govt. Premises, (Rent Recovery and Eviction) Act, 1956 (for short 'the Act'). This is not in dispute that the petitioner has remedy of appeal against any notice for eviction of the premises in question in accordance with the Act before the State government which the petitioner has not availed.

4. This application is, thus, disposed of with a liberty to the petitioner to avail the remedy of appeal. If the petitioner prefers an appeal within four weeks from today with an application seeking condonation of delay, the same shall be considered on its own merits in accordance with law.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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