

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7069 of 2014**

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M/s Panorama Television Pvt. Ltd. having its registered office at ETV Building, Ramoji Filmcity, Hyderabad and local office at 21, Telegraph Colony, kidwaipuri, Town and District Patna through its authorized signatory Shiva Shankar son of Sri N.C. Thakur, resident of Road No. 6, Rajiv Nagar, P.S. Rajiv Nagar, Patna

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Divisional Commissioner, Patna
3. The Collector cum District Magistrate, Patna
4. The House Controller cum Sub-Divisional Magistrate, Patna
5. Dr. Sanjay Kumar Shahi son of Dr. Bhuvneshwar Shahi
6. Smt. Sheela Shahi wife of Dr. Bhuvneshwar Shahi
7. Smt. Neera Shahi wife of Dr. Sanjay Kumar Shahi
8. Dr. Bhuvneshwar Shahi son of Late Gauri Shankar Shahi
9. Kamleshwar Shahi son of Late Gauri Shankar Shahi
10. Smt. Pushpa Shahi wife of Kamleshwar Shahi
11. Alok Kumar Shahi son of Kamleshwar Shahi Respondent no. 5 to 11 residents of Shahi Bhawan, Exhibition Road, P.S. Gandhi Maidan, Town and District Patna

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Chitranjan Sinha, Sr.Advocate |
| For the State        | : | Mr.Prashant Pratap, GP-2         |

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL JUDGMENT**

**Date : 12-09-2023**

1. The present writ petition has been filed for quashing the order dated 26.05.2008, passed by the Rent Controller-cum-Sub-Divisional Officer, Patna Sadar in BBC Case No.22 of 2007, the order dated 27.08.2010, passed by the District Magistrate, Patna in BBC Appeal Case No.11 of 2008-09 and the order dated 20.02.2014/10.03.2014, passed by the



learned Court of Divisional Commissioner, Patna in BBC Revision Case No.151 of 2010.

2. The records would show that the learned Rent Controller-cum-Sub-Divisional Officer, Patna Sadar, by the impugned order dated 26.05.2008, has fixed rent for the premises in question to the tune of a sum of Rs.1,56,928.00, per month. It is equally a matter of record that the Appeal and Revision, filed by the petitioner have also stood rejected.

3. The genesis of the dispute in question lies in an unregistered lease deed dated 24.11.2001, entered into between the respondents no.5 to 11 and one M/s Usha Kiran Television, assets and liabilities, whereof, have subsequently been assigned to the petitioner, herein, by an order passed by the Hon'ble High Court of Andhra Pradesh.

4. It appears that the respondents no.5 to 11 had filed a petition under Sections 5 and 8 of the Bihar Building (Lease, Rent and Eviction) Control Act, 1982, (hereinafter referred to as 'the Act 1982'), for enhancement of rent which was numbered as BBC Case No.22 of 2007 and ultimately, the learned Rent Controller-cum-Sub-Divisional Officer, Patna Sadar, by the impugned order dated 26.05.2008, had enhanced the rent and fixed the same at a sum of Rs.1,56,928.00, per month. The petitioner had then challenged the same before the



Appellate Authority i.e. the District Magistrate, Patna, leading to registration of BBC Appeal Case No.11 of 2008-09, which was ultimately, dismissed, vide order dated 27.08.2010. Thereafter, the petitioner had challenged the said order dated 27.08.2010, by filing a Revision Petition bearing BBC Revision Case No.151 of 2010, before the learned Court of Divisional Commissioner, Patna, however, since the petitioner was unrepresented all throughout, the learned Divisional Commissioner, Patna had dismissed the Revision Petition, by an order dated 20.02.2014/10.03.2014, which has been challenged before this Court in the present proceedings.

5. At the outset, it has transpired that the order dated 20.02.2014/10.03.2014, passed by the learned Divisional Commissioner, Patna is an ex-parte order, however, the same has upheld the orders of the Foras/learned Courts below, nonetheless, the parties are in unison that the said order, passed by the learned Divisional Commissioner, Patna may be set aside and the matter be remanded back to the learned Court of Divisional Commissioner, Patna for fresh consideration of the Revision petition on merits.

6. Having regard to the facts and circumstances of the case, as also considering the unanimity, arrived at in-between the parties, I deem it fit and proper to set aside the order dated



20.02.2014/10.03.2014, passed by the learned Divisional Commissioner, Patna in BBC Revision Case No.151 of 2010, being an ex-parte order and remand back the matter to the learned Court of Divisional Commissioner, Patna, who shall consider the entire aspect of the matter on merits, including the factum of compliance of Section 8 of the Act, 1982 and the terms and conditions mentioned in the lease deed dated 24.11.2001, and pass a reasoned and a speaking order, in accordance with law, within a period of eight weeks from today.

7. It is needless to state that the parties shall appear, before the learned Court of Divisional Commissioner, Patna on 21<sup>st</sup> September, 2023 at 4 P.M. It is also clarified that in case any of the parties fail to appear on 21<sup>st</sup> September, 2023 at 4 P.M., the learned Divisional Commissioner, Patna shall proceed ex-parte and pass a reasoned and a speaking order, in accordance with law, within the time frame, already fixed by this Court.

8. The present writ petition stands disposed off on the aforesaid terms.

**(Mohit Kumar Shah, J)**

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