

(2002) 05 PAT CK 0065
In the Patna High Court
Case No : C.W.J.C. No. 4205 of 2002

Ayodhya Prasad and Others

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 07-05-2002

Acts Referred:

Bihar Buildings (Lease, Rent and Eviction) Control Act, 1982 — Section 32, 4

Citation : (2002) 3 PLJR 180

Hon'ble Judges : S.K. Katriar, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

S.K. Katriar, J.—Heard Mr. K.D. Chatterjee for the Petitioners, learned G.P.I. for Respondent No. 1, and Mr. Ram Janam Ojha for Respondent Nos. 2 and 3. This writ petition is directed against the orders marked Annexures-3 series to the writ petition, issued by the Agricultural Produce Market Committee, Muzaffarpur, (hereinafter referred to as "the Committee") whereby rental of the shops occupied by the Petitioners and let out by the Committee has been enhanced. 27 Petitioners have joined together to raise a common cause inter alia, challenging enhancement of the rent of the shops allotted to them.

2. Learned Counsel for the Petitioners has advanced elaborate submissions in support of the writ petition which can be divided into two parts. In so far as the first part of his submission that the Committee should resort to the provisions of Section 4 of the Bihar Buildings (Lease, Rent and Eviction) Control Act (hereinafter referred to as the "Rent Control Act") for enhancement of rent is concerned, the same is covered by my judgment dt. 3.5.2002 in C.W.J.C. No. 2109 of 2002 Mahendra Prasad and Others Vs. State of Bihar and Others, wherein I have held that the Committee is a local authority within the meaning of Section 32 of the Rent Control Act and is, therefore, beyond the purview of the same. The contention is accordingly rejected.

3. In so far as the second part of his submission is concerned, he submits that the Petitioners are tenants, whereas Respondent Nos. 2 and 3 have taken the attend in the present writ petition that they are licensees. He has made some incidental submissions also. It appears to me that this is essentially question of fact which would need detailed evidence, and cannot be adjudicated on the basis of affidavit evidence in the writ jurisdiction.

4. In that view of the matter, this writ petition is dismissed.