
(1995) 04 PAT CK 0035
In the Patna High Court
Case No : C.W.J.C. No. 11506 of 1994

Bhagwati Hosiery Mill Pvt. Ltd.

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 18-04-1995

Acts Referred:

Bihar Buildings (Lease, Rent and Eviction) Control Act, 1982 — Section 16

Citation : (1995) 2 BLJR 1332 : (1995) 2 PLJR 18

Hon'ble Judges : B.P. Singh, J

Bench : Single Bench

Judgement

B.P. Singh, J.—Heard counsel for the parties.

2. Counsel for the parties are agreed that the order passed by the Commissioner is clearly illegal and contrary to the provisions of Section 16 of Bihar Buildings (Lease, Rent and Eviction) Control Act, 1982. It is submitted that this Court has consistently held that he has no power to stay the proceeding and that the tenant is bound to deposit the arrears of rent before his appeal/revision is entertained by the Commissioner, Reliance is also placed upon the judgment reported in 1987 PLJR 1138 Md. Enam Jalil v. The State of Bihar and Ors. Consequently the order of the Commissioner dated 17/10/1994 (part of Annexure-1) is quashed to the extent that he has directed the tenant to deposit arrears of rent to the extent of one month's rent only instead of the entire arrears of rent. Respondent No. 2 is, therefore, directed to deposit the entire arrears of rent as required u/s 16 of the Act and thereafter it will be open to the petitioner to make appropriate application before the Commissioner for withdrawal of the amount. The Commissioner will pass an order thereafter. The arrears of rent should be deposited within six weeks from today.