

(2006) 07 JH CK 0016
In the Jharkhand High Court
Case No : C.W.J.C. No. 2939 of 1997 (R)

Bihar State Mineral Development Corporation Limited	APPELLANT
Vs	
The State of Bihar (now jharkhand) and Others	RESPONDENT

Date of Decision : 19-07-2006

Acts Referred:

Bihar Buildings (Lease, Rent and Eviction) Control Act, 1982 — Section 5

Citation : (2006) 4 JCR 217

Hon'ble Judges : Ramesh Kumar Merathia, J

Bench : Single Bench

Advocate : Shalini Jha, for the Appellant; M. Patra, J.C. to G.A. for Respondents No. 1 to 4 and Amar Kumar Sinha, Respondent No. 5, for the Respondent

Final Decision : Dismissed

Judgement

Ramesh Kumar Merathia, J.—This writ petition has been filed against the order dated 9.3.1987 passed by respondent No. 4 in B.B.C. Case No. 40 of 1986 (Annexure 1) determining fair rent of the premises in question at the rate of Rs. 2.75 Paise per sq.ft., totaling Rs. 10,681/- per month and also for quashing the order dated 29.10.1988 passed by respondent No. 3 in House Rent Appeal No. 21 R15 of 1987-88 (Annexure 2) dismissing the petitioner's appeal and also for quashing the order dated 16.1.1997 passed by respondent No. 2 In H.R.C Revision No. 1 of 1989 (Annexure 3) confirming the said order.

2. Respondent No. 5 filed a petition u/s 5 of the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1982 (for short "the Act") for fixation of fair rent. The House Rent Controller (respondent No. 4) after considering the entire matter and after hearing the parties, fixed Rs. 2.75 Paise per square foot (Rs. 10,681/- per month for a total area of 3884 square feet), payable from the date of filing of the petition i.e. 20.5.1980. Petitioner filed appeal. In spite of the orders passed by the appellate authority to deposit the fair rent fixed by respondent No. 4, the petitioner did not deposit the fair rent. On 29.10.1988, the said appeal was dismissed. The premises was vacated on 30.09.1989. The revision filed by the

petitioner by the petitioner was also dismissed.

The rent was fixed by respondent No. 4 after considering the relevant aspects in accordance with law. He has, inter-alia, taken into consideration the prevailing rates of rent in the locality for similar accommodation. No ground has been made out by the petitioner for interference with the order passed on the findings of fact. In the cases of *Saraswati Devi v. Commissioner* 1996 (1) PLJR 9241 and *Rajendra Behl Vs. Commissioner, South Chotanagpur Division and Others*, the enhancement of rent beyond 25% was upheld. The respondent has not received the fair rent fixed for twenty years.

3. In the result, this writ petition is dismissed. The petitioner is directed to pay the difference of rent as ordered by the Commissioner. No costs.