

(2000) 11 PAT CK 0013
In the Patna High Court
Case No : C.W.J.C. No. 11730 of 2000

Shaktidhar Prasad Rastogi

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 23-11-2000

Acts Referred:

Bihar Tenancy Act, 1885 — Section 23(4)

Citation : (2000) 11 PAT CK 0013

Hon'ble Judges : Radha Mohan Prasad, J

Bench : Single Bench

Advocate : Manish Kumar Saran and Deepak Kumar, for the Appellant; S.S. Naiyer Hussain for the State, for the Respondent

Judgement

Radha Mohan Prasad, J.—In this writ petition, the petitioner has challenged the validity of the order dated 1.10.1997 passed by L.R.D.C., Balia in Commercial Rent Case No. 14/1997-98 in exercise of power under Sub-section (4) of Section 23 of the Bihar Tenancy Act. Learned counsel for the petitioner as well as learned counsel for the State submit that the validity of Sub-section (4) of Section 23 of the Act has been challenged in C.W.J.C. No. 5411/95 which is pending disposal by a Division Bench of this Court. It is submitted that several such writ petitions have been filed in which this Court has granted interim order of stay till the disposal of the Division Bench matter. One of the orders has been referred by the learned counsel for the petitioner is in the case of Rajendra Kishri Vs. State of Bihar and Others, .

2. Having regard to the fact that the validity of Section 23(4) of the Act is pending consideration by a Division Bench of this Court, as agreed, the writ petition is disposed of with the direction that the case of the petitioner shall also abide by the result in the C.W.J.C. No. 5411/95. Till disposal of the said writ petition, the operation of the impugned order shall be kept in abeyance. The writ petition is, accordingly, disposed of.