

आदेश की क्रम
संख्या और
तारीख

आदेश और पदाधिकारी का हस्ताक्षर

आदेश पर
की गई
कार्रवाई में
टिप्पणी
तारीख के
साथ

Court of the District Magistrate & Collector,
Saran at Chhapra

Ravindra Kumar Singh & Others
Vrs.

Chandrashekhar Singh & Others

Rent Fixation Appeal No. 02/2010

ORDER

16/05/2012

The instant appeal has been filed against the rent fixation order passed by the Controller and Dy. Collector, Land Reforms, Marhaura on 26th March, 2010 in Rent Fixation Case No. 2/2006. The Appellant's principle contentions are the following:

- i- The impugned order has been passed ignoring the mandatory provision of Sec 8 of the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1982 (henceforth called 'the Act') as well as Rules framed thereunder insofar as no enquiry was conducted by the learned Controller.
- ii- The impugned order does not mention any existing rent to be described as 'low'.
- iii- The enhanced rent determined by the impugned order is arbitrary and beyond the set parameters under law.
- iv- The impugned order fails to appreciate that Marhaura is a commercially dying township.
- v- The impugned order falls on the wrong side of the law by commenting on questions of title and ownership, which

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contentions and justified the impugned order by asserting that learned Controller did conduct an enquiry u/s 8 of the Act and the impugned order takes into consideration all the norms laid down under the law.

Heard the Appellant as well as Respondent No. 1 (the other Respondent have chosen not to bother themselves about this litigation). Also perused the lower court records.

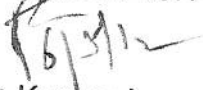
It is evident from the materials on record the learned Controller has indeed conducted an enquiry u/s 8 of the Act before fixing the rent u/s 5. The enquiry also meets the parameters laid down u/s 8 of the Act and under Rule-3 of the Bihar Buildings (Lease, Rent and Eviction) Control Rules framed under the Act.

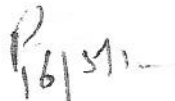
There is nothing on record to show that the enquiry was irregular or superficial. The impugned order does cite certain matters pertaining to right and title. But they have been used as evidences. It is true that right and title are to be adjudicated by a competent Civil Court, but it is not a blasphemy if any legal authorities just talk about them. In fact, unless the questions of right and title are given due consideration by any authority, their adjudication will itself be hollow and vain.

The learned Controller has not at all transgressed his jurisdiction by taking into consideration the judicially pronounced decrees about certain rights and titles.

In the end, I do not find any infirmity with the impugned order, and, therefore, the appeal is dismissed.

Dictated and corrected


(Vinay Kumar)
District Collector
Saran, Chapra


(Vinay Kumar)
District Collector
Saran, Chapra

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