IN THE HIGH COURT OF JHARKHAND AT RANCHI
C. M. P. No. 356 of 2022

Abul Hassan … …. Petitioner

Versus

1. State of Jharkhand
2. District Magistrate-cum-Deputy Commissioner, Giridih
3. House Rent Controller-cum-Sub Divisional Magistrate, Giridih
4. Chandan Kumar Bagaria … …. Opp. Parties

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Petitioner : Mr. Parwez Ahmad Khan, Advocate
For the Opp. Parties : Mr. Achyut Keshav, Advocate

Oral Order

03 / Dated : 09.11.2022

1. The instant civil misc. petition has been filed under Article 227 of the Constitution of India for quashing the order dated 11.02.2022 passed by the District Magistrate-cum-Deputy Commissioner, Giridih confirming the eviction order passed by the Sub Divisional Magistrate, Giridih in Eviction Case No. 14 of 2018 on 21.12.2020.

2. Heard learned counsel for the petitioner on the point of maintainability.

3. It is submitted by learned counsel for the petitioner that the final eviction order passed by the Deputy Commissioner is maintainable before this Court in view of the judgment delivered by the Hon'ble Apex Court in Sameer Singh and another Vs. Abdul Rab and others {(2015) 1 SCC 379}.

4. Facts of the present case and that of the authority relied upon by the petitioner are quite different. Sameer Singh Case (supra) arose from the order passed in the execution proceeding, whereas the instant petition has been filed against the order of the Deputy Commissioner passed in Eviction Appeal. Under Jharkhand Building (Lease, Rent and Eviction) Control Act, 2011 the provision of appeal is made under Section 36 of the Act against the order of the rent controller and the provision of revision has been made under Section 37 of the Act under which the aggrieved party can prefer revision before the Commissioner.

5. Here in the present case, the petitioner has statutory remedy of revision and, therefore, the civil misc. petition is not maintainable.

Under the circumstance, this civil misc. petition is dismissed.

(Gautam Kumar Choudhary, J.)

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