

आदेश और पदाधिकारी का हस्ताक्षर

आदेश पर की गई
कार्रवाई के बारे में
टिप्पणी तारीख के
साथ

11/9/25

**In the Court of Divisional Commissioner,
Santhal Pargana Division, Dumka**

H.R.C.R No.81/2025-26

Prakash Kumar Agrawal

-Versus-

Suresh Sharma

Order


The instant revision has been filed against the order dated 20.05.2025 passed by the learned Deputy Commissioner, Dumka in his H.R.C Appeal No.01 of 2023-24 by which the Deputy Commissioner, Dumka has confirmed the order of the House Rent Controller-cum-S.D.O, Dumka dated 07.11.2023 passed in H.R.C Case No.01 of 2023.

The brief fact as submitted by the petitioner is that the O.P filed an application on 08.06.2023 before the court of the S.D.O, Dumka for getting his shop vacated upon which the S.D.O, Dumka vide Letter No.465 dated 22.07.2023 directed this petitioner to appear in his office on 08.08.2023 for resolution of the dispute. In compliance of the order, the petitioner through his Advocate appeared in the office of the S.D.O, Dumka and requested to supply the copy of application but the copy was not supplied to the petitioner on subsequent dates also. The S.D.O, Dumka vide Letter No.648 dated 01.11.2023 directed this petitioner to appear in the court in H.R.C Case No.01 of 2023 on 07.11.2023 and in pursuance of the order the petitioner appeared in the court of House Rent Controller-cum-S.D.O, Dumka on 07.11.2023. The petitioner was not provided with any opportunity for filing an affidavit stating the ground on which petitioner seeks to make such contest and obtain leave from the controller. The House Rent Controller-cum-S.D.O, Dumka without recording any evidence and framing any issue passed an ex-parte order of eviction on dated 07.11.2023 and the petitioner only came to know on 29.01.2024, when the order of the copy was supplied. The petitioner preferred an appeal before the court of the Deputy Commissioner, Dumka and it became registered as H.R.C Appeal No.01 of 2023-24. The petitioner prayed to dismiss the order of the House Rent Controller-cum-S.D.O, Dumka stating the entire grounds. The Deputy Commissioner, Dumka dismissed the appeal and confirmed the order of the

House Rent Controller-cum-S.D.O, Dumka in H.R.C Case No.01 of . Being aggrieved at and dissatisfied with the order, this revision has been filed by the petitioner.

The learned counsel of the petitioner submitted that the learned lower courts below have passed illegal order exceeding their jurisdiction and which are in violation of principle of equity and natural justice. The petitioner has not been provided with sufficient opportunity to explain and contest his case and as such it is against the principle of natural justice. The learned court of the S.D.O, Dumka in helter and skelter directed the petitioner to appear in his office vide Letter No.465 dated 22.07.2023 for resolution of dispute but there was no any whisper of H.R.C Case. The order passed by the learned lower court of S.D.O, Dumka is an ex-parte order and the petitioner has been evicted from the shop under Section-19 (c) and (e) of Jharkhand Building (Lease, Rent and Eviction) Controller Act, 2011. The order passed by the learned lower courts are erroneous and not maintainable either in facts and law because the learned lower courts below without recourse of trial as prescribed under statute of reasonable requirement of such occupations as provided under law evicted the tenant from entire premises. The order passed by the learned lower courts are not proper and legal and as such it is not maintainable. In the light of above stated submissions prayed to allow this revision.

The learned counsel of the opposite party submitted that the revision as filed by the petitioner against the order dated 20.05.2025 passed by the Deputy Commissioner, Dumka in H.R.C Appeal No.01 of 2023-24 confirming the order passed by the learned House Rent Controller-cum-S.D.O, Dumka in H.R.C Case No.01 of 2023 vide order dated 07.11.2023 is not maintainable. Both the courts below have properly considered the fact and have passed a proper order, which is in consonance with facts and law. The opposite party after expiry of the rental agreement filed H.R.C Case No.01 of 2023 for eviction from the tenanted premises in the court of the House Rent Controller-cum-S.D.O, Dumka. The House Rent Controller-cum-S.D.O, Dumka after applying his judicial mind rightly passed the order of eviction of the petitioner from tenanted premises. The petitioner filed an appeal registered as H.R.C. Appeal No.01 of 2023-24. The learned Deputy Commissioner, Dumka after broadly perusing the fact and law has rightly dismissed the appeal and confirmed the order of eviction passed by the S.D.O, Dumka in H.R.C Case No.01 of 2023 from the tenanted shop premises under Section-19(c) (e) of Jharkhand Building (Lease, Rent and Eviction) Control Act, 2011 for personal necessity. The learned Deputy Commissioner, Dumka has directed to pay the arrear of Rent of Rs.

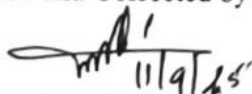


1,56,000/- till July, 2024 of 13 month i.e per month Rs. 12,000/- but the petitioner has not paid the same. The revision as filed is devoid of merit and only to harass the opposite party this revision is filed with ulterior motives. The petitioner has no locus standi to file this revision in the light of fact. The learned lower courts below have properly appreciated and considered the facts and law and have rightly evicted the petitioner from tenanted premises. In the light of above submissions prayed to dismiss the revision.

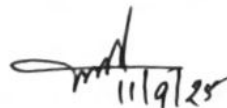
Heard counsel of both the parties and perused entire documents. I find that the Deputy Commissioner, Dumka in his H.R.C Appeal No. 01 of 2023-24 order dated 20.05.2025 has confirmed the order of the House Rent Controller-cum-S.D.O, Dumka dated 07.11.2023 passed in H.R.C Case No.01 of 2023. I observed that the Deputy Commissioner, Dumka has rightly dismissed the appeal filed by the petitioner in the light of the fact for personal necessity. I find no reason worth to interfere in the orders of the lower court. Hence no interference is required. Therefore, I upheld the order passed by the Deputy Commissioner, Dumka dated 20.05.2025 passed in his H.R.C Appeal No.01 of 2023.

Hence, this revision is dismissed.

Dictated and Corrected by me



Commissioner
Santhal Pargana Division,
Dumka



Commissioner
Santhal Pargana Division,
Dumka