

In the court of Munsif, Shahpur Patory, Samastipur
Present P.O. Sri Piyush Ranjan
Eviction No. 02/2016

Sita Ram Sahani

....Plaintiff

VS

Amit Kumar Singh

.... Defendant

Date	Order with signature of the Magistrate	Remarks
<u>24.06.26</u>	The defendant's petition filed under Section 17 of the Bihar Buildings (Lease, Rent & Eviction) Control Act, 1982 seeking restoration of possession and compensation is taken up for consideration. Upon perusal of the pleadings and materials available on record, it appears that the defendant's case is that he was forcibly dispossessed from the suit premises on 29.12.2021 and that an FIR was lodged in respect thereof. Section 17 of the Act, however, is attracted only where a landlord has recovered possession of a building from a tenant by virtue of an eviction decree obtained under Section 11(1)(c) or Section 11(1)(e) and thereafter fails to utilise the premises in the manner contemplated by law. The allegations made by the defendant do not disclose any recovery of possession by the plaintiff pursuant to an eviction decree. The claim is one of alleged forcible dispossession. Such grievance does not fall within the statutory scope of Section 17 of the Act. The provision cannot be enlarged so as to convert it into a forum for determination of allegations relating to illegal dispossession or restoration of possession independent of a decree contemplated therein. This Court, therefore, finds that the essential jurisdictional ingredients for invocation of Section 17 are conspicuously absent. Consequently, the petition is not maintainable in law. Hence, the petition filed by the defendant under Section 17 of the Bihar Buildings (Lease, Rent & Eviction) Control Act, 1982 is hereby <u>Rejected</u> as not maintainable. Let the suit proceed in accordance with law. Dictated  C.J.J.D Shahpur Patory	