

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.2098 of 2015**

**In**

**Civil Writ Jurisdiction Case No. 1771 of 2015**

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1. Surendra Prasad Singh, Son of Late Madheshwar Sharma, Resident of H.I.G. Sector-7, Block-8, Flat No.31, Bhadurpur Housing Colony, P.S.- Agam Kuan. District- Patna.

2. Nitu Sharma, Wife of Ritesh Sharma, Resident of H.I.G. Sector-7, Block-8, Flat No.30, Bhadurpur Housing Colony, P.S.- Agam Kuan. District- Patna.

.... .... Appellants

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.

2. The Secretary, Housing and Urban Development, Government of Bihar, New Secretariat, Patna.

3. The Housing Board, Beerchand Patel Path, Patna through its Secretary.

4. The Managing Director, Bihar State Housing Board, Beerchand Patel Path, Patna.

5. The Secretary, Bihar State Housing Board, Beerchand Patel Path, Patna.

6. The Executive Engineer, Bihar State Housing Board, Division-II, Bhootnath Road, Patna.

7. The Executive Engineer, Bihar State Housing Board (Construction) Division-II, Bhootnath Road, Patna.

8. The Landed Property Officer (Estate Officer), Bihar State Housing Board, Beerchand Patel Path, Patna.

9. Bipul Kumar, Son of Binod Prasad, Resident of H.I.G. Sector-7, Block-5, Flat No.45, Bahadurpur Housing Colony, P.S.- Agam Kuan, District- Patna.

10. Ram Krishna Sharma, Son of Late Ambika Sharma, H.I.G. Sector-7, Block-7, Flat No.18, Bahadurpur Housing Colony, P.S.- Agam Kuan, District- Patna.

.... .... Respondents

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**Appearance :**

For the Appellant/s : Mr. Shally Kumari

For the Respondent/s : Mr. Ashok Priyadarshi- GA 4

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE CHAKRADHARI**

**SHARAN SINGH**

**ORAL ORDER**

**(Per: HONOURABLE THE ACTING CHIEF JUSTICE )**

2 09-12-2015

Heard Mr. Siya Ram Shahi, learned counsel for the

appellants, and Mr. Lalit Kishore, learned Principal Additional

Advocate General, appearing for the respondent Nos. 3 to 8. Heard also Mr. Mani Madhur, learned AC to G A 4, appearing for respondent Nos. 1 and 2.

I.A.No. 9189 of 2015 has been filed by the appellants, under Section 5 of the Limitation Act, seeking condonation of delay of 92 days in preferring the present letters patent appeal against the order, dated 29.04.2015, passed in C.W.J.C.No. 1771 of 2015 and its analogous cases.

Having considered the reasons assigned in the present petition seeking condonation of delay, in preferring appeal, and having heard the learned counsel for the parties, this Court is satisfied that the appellants were prevented by sufficient causes from preferring the appeal within time.

In view of the above, the delay of 92 days, in preferring the letters patent appeal, is hereby condoned.

I.A.No. 9189 of 2015 shall stand disposed of.

**L.P.A.No. 2098 of 2015:**

Having perused the order, dated 29.04.2015, passed in C.W.J.C.No. 1771 of 2015, which has been challenged in this appeal, since we do not find any merit in the appeal, it has been submitted, on behalf of the appellants, that the appellants seek a reasonable period of time to vacate the premises, in question,

which belong to Bihar State Housing Board.

We, however, notice that the order, under appeal, has been passed as far back as in the month of April, 2015. We are, therefore, of the view that the appellants have received sufficient time to vacate the premises, in question, from the date of order under appeal.

Mr. Siya Ram Shahi, learned counsel for the appellants, submits that the appellants will vacate the premises, in question, by 29<sup>th</sup> February, 2016, and hence, no action for their eviction may be directed not to be taken by the respondents Housing Board. To the submissions so made, no objection has been raised by the respondents Housing Board.

In view of the above and in the interest of justice, we hereby direct the appellants to vacate the premises, in question, by 29<sup>th</sup> February, 2016.

To the extent as indicated above, the order, dated 29.04.2015, aforementioned, shall stand modified.

I.A. No. 9190 of 2015 shall stand disposed of. The appeal shall also stand disposed of.

**(I.A. Ansari, ACJ)**

**(Chakradhari Sharan Singh, J)**

A.I./-

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