

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4218 of 2016**

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Ram Laddu Rai, son of late Aitwari Rai, resident of Village- Paharpur, Post-Office- Anisabad, Police Station- Gardanibagh, District- Patna (Bihar).

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Bihar, Patna.
2. Patna Municipal Corporation, through its City Commissioner, Patna.
3. District Magistrate cum Collector, Patna.
4. The Competent Authority under the Bihar Apartment Owner Act, 2006, vested by the State Government by notification in the official gazette.
5. M/s Satar India Construction Private Limited (Regd. Under Company Act, 1956) through its Chairman –cum- Managing Director, Shashi Bhushan Prasad, son of Late Chandrika Prasad, Office and resident at 210 Adharshila Complex, South Gandhi Maidan, Police Station- Gandhi Maidan, Patna-800001 (Developer/Builder/Promoter).

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Pancham Lal Jaiswal  
 For the Respondent-State : Mr. R.R.K. Pandey, SC-29  
 For the Respondent-Corporation: Mr. Prasoon Sinha

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**  
**ORAL ORDER**

2      15-03-2016

Heard Mr. Pancham Lal Jaiswal, learned counsel appearing for the petitioner, learned counsel for the State and Mr. Prasoon Sinha, learned counsel appearing for the Corporation.

The petitioner is aggrieved by the acts of the private respondent who happens to be the developer/builder with whom the petitioner has entered into an agreement for development of a plot bearing khata no.154. plot no. 291 admeasuring 8<sup>1</sup>/<sub>2</sub> decimals situated in Mohalla Gardanibagh in the town and district of Patna.



Plainly speaking the grievance of the petitioner rests on charge of violation of the development agreement by the developer/builder who according to the petitioner has not abided by the terms of the development agreement. In my opinion the action complained of by the petitioner as against the private respondent would not fall in either of the circumstances discussed in section 32 of the Bihar Apartments Ownership Act, 2006 for inviting any direction to the Municipal Commissioner for in the nature of grievance raised, the remedy for the petitioner would lie before a court of competent civil jurisdiction and, if so advised, he shall be at liberty to take recourse to the same.

The writ petition is disposed of accordingly.

**(Jyoti Saran, J)**

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