

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15271 of 2015

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1. Debts Recovery Tribunal Advocate Association Patna, through its President Sri Shambhu Nath Choubey S/o Late Ram Dahin Choubey resident of 402 - B, R.N. Apartment, IAS Colony, Kidwaipuri, P.S. Kotwali, Distt. - Patna 800001

.... Petitioner/s

Versus

1. The Union of India, through the Secretary, Ministry of Finance, Department of Financial Services, Jeevan Deep, 10 Sansad Marg, New Delhi - 110001
2. The Registrar, Debts Recovery Tribunal, 34 Bank Road, Lal Bhawan Opp. New Police Lines Lodhipur, Patna 800001
3. The State of Bihar through the Chief Secretary, Bihar, Patna
4. The Secretary, Department of Building Construction, Govt. of Bihar, Vishveshwariya Bhawan, Bailey Road, Patna 800001

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh
For the Respondent/s : Mr. AAG2-D.K. SINHA, AAG-2
For Union of India : Mr. S.D. Sanjay, Addl. S. G.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

Date: 16-08-2016

Debts Recovery Tribunal Advocate Association, Patna, have preferred this application, under Article 226 of the Constitution of India, in the shape of *public interest litigation*, seeking direction upon Union of India to shift the place/seat of functioning of Debts Recovery Tribunal (hereinafter referred to as the DRT) to more convenient place, in the light of an undertaking given by them before Supreme Court in the case of ***Union of India and Ors. vs. Debts Recovery Tribunal Bar***

Association and Anr reported in ***(2013) 2 SCC 574***.

2. The Debts Recovery Tribunal, at Patna, has been functioning since January, 1997, and before allotment of the space by the Union of India, from whether it is functioning presently, the Tribunal functioned from different rented premises. Grievance of DRT Bar Association that DRTs have not been provided with adequate space for their proper functioning, throughout the country, DRT Bar had travelled up to the Supreme Court. Government of India appears to have agreed before the Supreme Court that the Tribunals would be given sufficient adequate space for their proper functioning having an area of, at least, 8000 sq. feet.

3. At present, the DRT, Patna, has been allotted a space, in newly constructed building owned by Government of India at "Karpuri Thakur Sadan", Kendriya Karamchari Parisar (GPOA), Rajiv Nagar, Ashiana-Digha Road, Patna.

4. In the counter affidavit filed on behalf of the Respondents-Union of India, it has been stated that presently, the Tribunal has been allotted office space of 4280 sq. ft. useful carpet area on 5th Floor of the premises and the office of Central Public Works Department, Union of India, vide letter, dated 11.05.2016, has allotted alternate office space having the area of 6860 Sq. ft. on the 2nd floor of the said building. It is also the stand of the Union of India that there is adequate parking space,

number of toilets and lifts, which are functioning well. DRT, Patna, is said to have requested CPWD, Patna, to allot additional office space in the same building, which, too, is under process.

5. Mr. Ajay Kumar Sinha, learned counsel appearing on behalf of the petitioner, has submitted that there is State Government building, namely, "*Niyojan Bhawan*" at Bailey Road, which is close to the Patna High Court. He has submitted that the State Government of Bihar has made an offer of allotment of an area measuring 5769 Sq. ft., which would be more convenient for the lawyers, litigants and functionaries of the Tribunal in due discharge of their professional/officials duties. According to him, the present location of the Tribunal is considerably far from the Civil Court and the High Court and, therefore, it will cause great hardship to the lawyers in commuting to the present location of the DRT, Patna. He has, accordingly, submitted that this Court should issue a direction asking the Union of India to shift the location of the Tribunal from Karpuri Thakur Sadan, GPOA, Ashiana Digha Road, Patna, to "*Niyojan Bhawan*" at Bailey Road, Patna.

6. We are afraid, such direction cannot be issued by this Court in a proceeding under Article 226 of the Constitution of India. Which place is more suitable for proper functioning of a Tribunal, under the Central Act, is primarily the function of the Government of India. This Court does not have any legally

determinable parameters to review such action of the executive.

In addition, we notice that the space, offered by the State Government for DRT, is substantially less than what has been offered by the Union of India, which is presently/likely to be available to DRT, Patna.

- 7. We do not find any reason to interfere in this matter.
- 8. This proceeding stands accordingly closed.

(I. A. Ansari, CJ)

(Chakradhari Sharan Singh, J)

ArunKumar/-

AFR/NAFR	NAFR
CAV DATE	N/A
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