

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14555 of 2013

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1. Rajendra Prasad Singh S/O Late Ram Dhayan Singh R/O Quarter No. 25a, Mathurapur Colony, P.O. And P.S. Dalmiya Nagar, District - Rohtas

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Chief Secretary, Govt. Of Bihar, Patna
3. The M.D., Housing Board, Govt. Of Bihar, Patna
4. The Division Commissioner, Patna Division, Patna
5. The Sub-Divisional Officer-Cum-House Controller, Dehri-On-Sone, District - Rohtas
6. Santosh Verma, Officer Incharge, Dalmiya Nagar, P.S. Dehri-On-Sone, District - Rohtas
7. Rameshwar Singh S/O Not Known R/O Village - Nasaralpur, P.S. Sandesh, District - Bhojpur, At Present R/O Masthurpur Colony, Q. No. 34b. P.O. And P.S. Dalmiya Nagar, District - Rohtas
8. Ranvijay Singh S/O Rameshwar Singh R/O Village - Nasaralpur, P.S. Sandesh, District - Bhojpur, At Present R/O Masthurpur Colony, Q. No. 34b. P.O. And P.S. Dalmiya Nagar, District - Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar

For the Respondent/s : Mr. Nirbhay K.Singh

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 28-03-2016

Heard the counsel for the petitioner and the State.

The subject property belongs to the Bihar State Housing Board. A notice was issued to the petitioner under the Bihar Government Premises (Rent Recovery and Eviction) Act, 1956 for removal of the encroachment and vacation of the premises. The Sub Divisional Officer, considered in detail the case of both the parties in case no. 298 of 2012 and in appreciation of materials placed before it, found the petitioner an unauthorized

occupant of the premises. This is what the authority observed:-

“ In view of the above facts and findings, discussed it is crystal clear that Ram Ishwar Singh, the first party of this case is bona fide allottee of the Govt. premises, No. 25/A and the O.P. No.2 Rajendra Singh has occupied the premises in question unauthorizedly and forcibly hatching a conspiracy with his (Rajendra Singh) son in law, O.P. No.1 Mithilesh Kumar Singh.

In the aforesaid circumstances and situation, I exercising the legal power conferred by Clause (b) of Section 2 of the Bihar Government Premises (Rent Recovery and Eviction) Act, 1956, direct the OPs (Rajendra Singh and others) under section “4” of the Act to vacate the Govt. premises, No. 25/A in question within fifteen days from the date of receipt of the notice in this respect and intimate this court that the premises has been vacated and handed over to the bona fide allottee, Ram Ishwar Singh, failing which, the OPs will be evicted from the premises by agency of the Court.

The aforesaid order got approval in appeal filed by the petitioner. These two orders have been impugned in the present writ petition.

It has been submitted that the flat no. 25/A was allotted to the petitioner. However, no document in support thereof has been enclosed. On the contrary, from perusal of the order passed by the competent authority-cum-Sub Divisional Officer, Dehri, it appears that inconsistent stand in this regard was taken

by the petitioner in connected litigation.

This Court does not find any patent illegality in the order(s) meriting invocation of the writ jurisdiction and grant the relief(s).

The application is dismissed.

(Kishore Kumar Mandal, J)

Shyam/-

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