

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No 1642 of 2014

IN

Civil Writ Jurisdiction Case No 1031 of 2014

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1. The State of Bihar through the Principal Secretary, Building Construction Department, Government of Bihar, Patna.
 2. The Principal Secretary, Building Construction Department, Government of Bihar, Patna.
 3. The Land Estate Officer, Building Construction Department, Bihar, Patna.
 4. The Competent Authority, Building Construction Department, Bihar, Patna.
 5. The Executive Engineer, Building Construction Department, Patliputra Division, Patna.
 6. The District Magistrate, Patna.
 7. The Additional District Magistrate, Law and Order, Patna.
 8. The Senior Superintendent of Police, Patna.

.... Appellant/s

Versus

1. Lal Bahu Prasad S/o Sri Paspas Prasad Resident of Arya Samaj Road, P.S. Shikarpur, District West Champaran (Bettiah), at present Qr. No. 9, South Bailey Road, P.S. Sachivalay, District Patna.
2. The Secretary, Bihar Legislative Council, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr J S Barnwal, GA 5

For Respondent No 1 : Mr Mukesh Kumar, Advocate

For Legislative Council : Mr Kausal Kr Jha, Advocate

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

&

HON'BLE JUSTICE SMT NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 09-03-2016

Heard learned counsel for the State.

2 It is a peculiar matter which has come to this Court.

3 The writ petitioner was allotted an official

accommodation by virtue of being Member of the Legislative Council of the State. The allotment was made by the Legislative Council. While he was in occupation of the said premises, a notice was issued by the Building Construction Department that he was under unauthorized occupation as the said building was in the central pool and not in the pool of the Bihar Legislative Council. We are most surprised with this attitude. If there was any misgiving or misunderstanding between the Building Construction Department of the State and the Bihar Legislative Council, they should have first resorted to resolve the issue between the two functionaries of the Government rather than harass and humiliate a Member of the Legislative Council. Both the Departments seem to have abdicated their responsibility. The writ petitioner was sandwiched between dispute and differences between the two organs of the State and none of the two organs sat down to resolve the issue. The arrogance of the State authorities is writ large from the fact that when the learned Single Judge allowed the writ petition, the State had the audacity to challenge the order of the learned Single Judge and start the fight all over again instead of resolving the dispute inter-departmentally. When the appeal was taken up by us, we made repeated attempts to persuade the authorities to resolve the issue but even though this appeal is being pending for over two years, the two organs of the State

cannot come to any decision for obviously neither of them is interested in coming to any settlement for reasons this Court fails to understand. The result is that the writ petitioner, who is respondent No 1, is always under a pressure as to what will happen to him, where does he stand.

4 In such a situation, we find no merit in this appeal which is dismissed with a cost of Rs 10,000/-.

5 If the State organs fail to sit down and resolve the dispute, they cannot expect the Court to waste its time in resolving the dispute which is among State authorities and the State authorities must have resolved it expeditiously. It is for this reason that we are not only dismissing the appeal but dismissing it with a cost of Rs 10,000/- for generating unnecessary litigations.

(Navaniti Prasad Singh, J)

M.E.H./-

(Nilu Agrawal, J)

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