

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1274 of 2016

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Samrat Choudhary @ Rakesh Kumar @ Rakesh Kumar son of Shakuni
 Choudhary, resident of Quarter No.43, P.S. Sachivalaya and District Patna
 **Appellant**

Versus

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

.... .. **Respondents**

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Appearance :

For the Appellant/s : Mr. Mukesh Kant, Advocate
 For the State : Mr. Ashok Keshri, Advocate
 For the Legislative Council: Mr. Y.V. Giri, Senior Advocate
 Mr. Kaushal Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH)

2 06-06-2016 The instant appeal is directed against the order, dated 18.5.2016 passed in C.W.J.C. No.8031 of 2015, whereby the learned Single Judge declined to interfere with the order contained in memo No.3238(bh), dated 25.3.2015 issued by of the Estate Officer, Building Construction Department contained asking him

to vacate the Quarter No.43, Hardinge Road in the New Capital Area, Patna.

The aforesaid quarter was allotted to the writ petitioner in his capacity as a Member of Bihar Legislative Assembly. Later on, the writ petitioner-appellant became M.L.C. and a Minister in the State Government and continued in the same accommodation. However, as the writ petitioner subsequently ceased to be a Minister and was also disqualified to hold the post of M.L.C., he was directed by the impugned notice of the Estate Officer to vacate the premises.

Being aggrieved by the action of the respondents asking him to vacate the premises, the writ petitioner moved this Court in C.W.J.C. No.8031 of 2015. The learned Single Judge after hearing the parties observed that the allotment of government accommodation is not a vested legal right, much less to a person who ceases to be M.L.A./M.L.C. or a Minister. As such, person who in capacity of M.L.A./M.L.C. or a Minister was allotted a quarter would not have vested legal right to hold on to it once he ceases to be so.

We are in full agreement with the view of learned Single Judge that an allottee of a government quarter would have no vested legal right to hold on to it, once he ceases to be a Member

of either House or a Minister. The appeal as such fails and is, accordingly, dismissed. I.A. No. 4695 of 2016 seeking interim stay in the matter is also dismissed.

(Samarendra Pratap Singh, J)

(Ahsanuddin Amanullah, J)

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