

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2630 of 2017

- =====
1. Justice (Retired) Uday Sinha, Son of Late Baldeva Sahay, resident of Plot No. 308, Patliputra Co - Operative House Construction Society Limited, Patliputra Colony, Patna 800013
 2. Md. Nasim, Son of Md. Jalil Kasimi, resident of Plot No. 291, Patliputra Co - Operative House Construction Society Limited, Patliputra Colony, Patna 800013

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Bihar
2. The Principal Secretary, Urban Development Department, Government of Bihar, Patna
3. The Registrar, Co - Operative Societies, Bihar, Patna
4. The Patna Municipal Corporation through its Executive Office
5. The Patliputra Co - Operative House Construction Society Limited through its Honorary Secretary, Patliputra Colony, P.S. Patliputra, Patna 800013
6. The Board of Directors of Patliputra Co - Operative House Construction Society Limited through its Honorary Secretary, Patliputra Colony, P.S. Patliputra, Patna 800013

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Respondent/s : Mr. Yogendra Prasad Sinha- AAG-7

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 11-05-2017

Petitioners have filed this writ petition in public interest and seek a direction to the respondents not to permit construction of any apartment over plots of Patliputra Cooperative House Construction Society Limited, Patliputra. It is stated that in view of the judgments rendered by this Court in C.W.J.C. No.8152 of 2013, holding such construction to be illegal and further prohibiting the



society and its board from making or approving any such construction, it is stated that the respondents are not taking any action and, therefore, the writ petition has been filed.

We find that according to the petitioners' own showing, there is a judgment rendered by a Bench of this Court as contended by the petitioners in C.W.J.C. No.6123 of 2001, annexure-6 to the writ petition, and if already directions have been issued in the matter, instead of invoking writ jurisdiction of this Court, it is appropriate to direct respondent Nos.3 and 4 to look into the grievance of the petitioners, evaluate it in the backdrop of the judgment, rendered by this Court and pass appropriate orders with regard to the claim made by the petitioners.

In view of the above, without making any indulgence into the matter, for the present, we direct that on the petitioners' filing a certified copy of the order along with a detailed representation or claim, pointing out the illegality in constructions, respondent No.3, the Registrar, Cooperative Societies, or the Execution Officer, Patna Municipal Corporation, shall hear the claim of the petitioners and pass appropriate order with regard to the grievance. However, before doing so, it shall be incumbent upon the respondents to hear the Society in question or the representative of the Society, or the persons concerned against whom the complaint is



made, follow the due process of law and thereafter pass an order as may be permissible in law. The respondents are expected to pass an order within a period of six months from the date of receipt/production of a certified copy of this order along with the representation.

With the aforesaid liberty to the petitioners, the matter stands disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17.5.2017
Transmission Date	N/A

