

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8404 of 2017

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Shri Ram Pravesh Sharma, Son of Late Awadh Bihari Singh, Resident of
Quarter Number 31, Harding Road, District - Patna.

.... Petitioner/s

Versus

1. State of Bihar through Principal Secretary, Building Construction
Department, Government of Bihar, Patna.
2. Estate Officer, Building Construction Department, Government of
Bihar, Patna.
3. Executive Engineer, Building Construction Department, Central
Division, Patna, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No-1, Adv.

For the Respondent/s : Mr. Raj Balabh Pd.Yadav-AAG-11

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

4 28-07-2017 Heard Mr. Mukesh Kumar, No.1, learned Counsel,

appearing on behalf of the petitioner and Mr. Raj Balabh Prasad

Yadav, learned AAG-11, appearing on behalf of the respondents.

The present writ application has been filed by a
retired Sr. Judicial Officer with a prayer for quashing of the
Eviction Notice No.2816, dated 22.05.2017, as contained in
annexure-3, issued under the signature of Executive Engineer,
Central Building Division, Patna and Eviction Notice No.4952 (B)
dated 02.06.2017, as contained in annexure-4, issued under the
signature of Estate Officer, Building construction Department,
Government of Bihar, Patna, whereby, the petitioner has been



directed to vacate Government Quarters No.31, situated at Harding Road,

The petitioner being Sr. Judicial Officer, after superannuation as Principal Judge, Family Court, appointed as Member (Judicial), Bihar Land Tribunal and was allotted House No. 31, Harding Road, Patna, in December, 2013, but, he occupied the same on 01.01.2015. On 18.01.2017, on completion of five years of tenure as Member (Judicial), Bihar Land Tribunal, the eviction notices, dated 22.05.2017, as contained in Annexure-3 and 02.06.2017, as contained in Annexure-4, were issued to the petitioner to vacate the Government Quarters. The petitioner claims to have vacated the Government Quarters on 28th May, 2017, but he was holding the key as furniture and other articles supplied by the Bihar Land Tribunal were not taken back by the Tribunal, but now the same has been taken back and the petitioner has handed over the key to the authority concerned on 3rd July, 2017. Hence, virtually, the writ application has become infructuous.

At present, the petitioner is aggrieved with the stipulation in notice dated 17.06.2017, as contained in Annexure-5 series, brought on record by way of supplementary affidavit, filed today, issued under the signature of the Executive Engineer,



Central Division Building Construction, Patna. This Court is not deliberating on the contents of the said notice since the same was issued much prior to filing of the present writ application and the submission of the learned AAG-11.

Mr. Raj Balabh Pd.Yadav, learned AAG-11 submits that the Executive Engineer, Central Division Building Construction, Patna, should not have used such harsh language in the said notice, issued to the petitioner, who is a senior retired Judicial Officer and Member (Judicial) Bihar Land Tribunal. Hence, the Executive Engineer will transmit a regret letter to the petitioner, within a period of three weeks.

Accordingly, the writ application is disposed of as having become infructuous.

(Dinesh Kumar Singh, J)

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