

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.963 of 2014

IN

Civil Writ Jurisdiction Case No. 8457 of 2012

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Punam Kumari W/O Late Anil Kumar Jha Resident of Village- Kabilpur, Police
Station- Sahedpur, P.O.- Laheria Sarai, District- Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar Through District Magistrate, Darbhanga, Namely Sri Kumar Ravi
2. The Bihar State Housing Board, 6, Sardar Patel Marg, Patna- 15 through its Managing Director
3. Sri Anupam Kumar Suman, The Managing Director, 6, Sardar Patel Marg, Patna- 15
4. Sri Sunil Kumar Pandey, The State Officer, Bihar State Housing Board, 6, Sardar Patel Marg, Patna- 15
5. Sri Uday Narain Jha, The Executive Engineer, Bihar State Housing Board, Darbhanga Division, Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. SURAJ NARAIN YADAV

For the Respondent/s : Mr. M. D. DWIVEDI

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 15-11-2017

Inter alia contending that the orders passed in Civil Writ Jurisdiction Case No. 8457 of 2012 on 02.04.2013 has not been complied with, this application has been filed.

The order passed in the writ petition indicates that petitioner was directed to be handed over possession of Plot No. M.P. 163 and while disposing of the matter, it was made clear that petitioner will not claim whatsoever anything against the Bihar State Housing Board with respect to the aforesaid plot in case the petitioner



finds that there is some encroachment in the area or the plot in question. Thereafter, when the matter travelled to the Division Bench in L.P.A. No. 1274 of 2014 on 16.05.2017 at the instance of the Bihar State Housing Board, the Division Bench directed that the Managing Director of the Housing Board would hand over possession to the applicant herein on 'as is where is basis' and the Bihar State Housing Board will have no responsibility with regard to the encroachment. This being the nature of order passed and when the Bihar State Housing Board is willing to hand over the possession on the basis of 'as is where is', reference of the petitioner now by making a prayer based on the communications made vide Annexure-5 dated 10.06.2017 by the Officer of the Housing Board to show that there are certain constructions made by encroachment which is denied by the petitioner.

In this contempt proceeding, no further indulgence can be made. The petitioner will have to accept the plot, its possession on 'as is where is basis' and thereafter to take recourse to the remedy as may be permissible under law for removal of the encroachment or the construction made. In case the petitioner has any grievance still subsisting after the action taken by the Bihar State Housing Board, she may have liberty to assail the same afresh, in accordance with law. Now, in the matter of specific directions issued



by learned Writ Court and the Division Bench in the matter of petitioner accepting the plot with encroachment on the basis of ‘as is where is’, I am not inclined to proceed further on the ground that possession has not been handed over to the petitioner. However, the petitioner is at liberty to take recourse to such remedy as may be available under law with regard to her grievance.

With the aforesaid, the application stands disposed of.

(Rajendra Menon, CJ)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25/11/2017
Transmission Date	NA

