

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.847 of 2018

IN

Civil Writ Jurisdiction Case No. 8254 of 2017

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Surti Devi wife of Late Mahendra Ram, Resident of Begharon-Ka-Ghar No.-38,
South Mandiri, Hariyan Colony, P.S.- Buddha Colony, District- Patna.

.... Petitioner/Appellant

Versus

1. The State of Bihar through Chairman, State Housing Board, Government of Bihar, Patna.
2. The Secretary, Bihar State Housing Board, Government of Bihar, Patna.
3. The Executive Engineer, Bihar State Housing Board, Patna.
4. The Revenue Officer, Bihar State Housing Board, Patna.
5. The District Magistrate, Patna.
6. The Secretary, Department of Housing Building and Residence, Bihar.
7. Gopal Bind, son of Ramashish Bind, resident of Mandiri, Behind the Patna Museum, P.S.- Buddha Colony, District- Patna.

.... Respondents/Respondents.

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Appearance:

For the Appellant/s:	Mr. Yogesh Chandra Verma, Sr. Advocate.
For the B.S.H. Board:	Mr. Anil Kumar Sinha, Mr. Abhimanyu Das and Mr. Akash Keshav, Advocates.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 22-06-2018

The present Letters Patent Appeal has been preferred for
setting aside the judgment dated 16.05.2018 passed by learned Writ
Court in CWJC No. 8254 of 2017.



2. It appears that the present appellant had moved the Writ Court when she was served with a notice to vacate the house in question by the Bihar State Housing Board. The learned Writ Court having gone through the pleadings available on the record found that the house in question was never allotted to the petitioner Surti Devi and, in fact, she being a trespasser in the house in question refused to grant the reliefs prayed in the Writ Application.

3. Learned counsel representing the petitioner-appellant submits that it is not in dispute that the petitioner-appellant is in possession of the house for a quite long period and, therefore, she cannot be said to be an unauthorized occupant.

4. On the other hand, learned counsel representing the Bihar State Housing Board would submit that the petitioner-appellant being a trespasser in the house of the Bihar State Housing Board which has, in fact, been allotted to the petitioner in CWJC No. 14411 of 2013 cannot be allowed to invoke the extra-ordinary writ jurisdiction of this Court, seeking a relief which, if allowed, would only perpetuate the wrong committed by the present appellant. It is also pointed out that the appellant is keeping unauthorized occupation / possession of this house even though she is residing at 15, China Kothi, Budha Colony, Patna which is the address of the appellant appearing on her Voter Card.



5. Having gone through the pleadings available on the record and after hearing the parties we find that the learned Writ Court has gone through the materials available on the record and only after finding that the petitioner is not having any letter of allotment or a document showing her right to possess the house in question refused to grant the reliefs prayed in the Writ Application.

6. We do not find any illegality or infirmity in the view taken by the learned Writ Court as this Court cannot exercise its extraordinary writ jurisdiction to protect a trespasser in the house in question.

7. The Letters Patent Appeal has no merit. It is accordingly dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
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