

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3437 of 2014

Dr. Manoj Kumar Jayaswal, Son of Sri Satya Narayan Jayaswal, Resident of
M.I.G. House No. 100 South, Lohia Nagar, P.S. Kankarbagh, P.O. Lohianagar,
District and Town Patna – 800020. ... Petitioner/s

Versus

1. The State of Bihar represented through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Bihar State Housing Board represented through its Managing Director, Mangals Road, Patna
3. The Managing Director, Bihar State Housing Board, Mangals Road, Patna
4. The Secretary, Bihar State Housing Board, Mangals Road, Patna
5. The Estate Officer, Bihar State Housing Board, Mangals Road, Patna
6. The Executive Engineer, Patna Division - 1, Bihar State Housing Board, Kankarbagh, Patna
7. Madhu Shrivastava, D/o Purushottam Prasad Srivastava, resident of M.I.G.91, Lohiya Nagar, Kankarbagh Colony, P.S. Kankarbagh, Patna-20
... Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Helal Ahmad, Advocate
		Mr. Bipin Bihari, Advocate
For the Respondent/s	:	Mr. Binay Kumar
For the Board	:	Mr. Ansuman Singh, Advocate
For the private respondent	:	Mr. Ugranath Mallik, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

8 02-05-2019 Heard learned counsel for the petitioner, Housing Board and the private respondent.

2. In the instant case, the petitioner is aggrieved by the order dated 30.01.2014 as contained in Annexure-4.

3. Learned counsel for the petitioner submits that the order directing eviction of the house was issued on 30.01.2014 purportedly on failure to submit explanation to the show-cause notice dated 30.12.2013. He further submits that show-cause notice dated 30.12.2013 was never served on the petitioner and as such the petitioner has not submitted any explanation.



4. Learned counsel appearing for the private respondent submits that the matter was taken to the Division Bench in Public Interest Litigation and thereafter the Housing Board has taken a decision after thorough enquiry into the matter.

5. Mr. Ansuman Singh, learned counsel for the Housing Board submits that the Housing Board has no problem in granting opportunity of hearing, but the Board is loaded with the observations of the Division Bench in Public Interest Litigation and there are materials placed on record by way of counter affidavit that the Housing Board cannot ignore the direction of the Division Bench in the decision making process.

6. Considering the aforesaid, the writ application is disposed of with liberty to the petitioner to file explanation to the show-cause notice dated 30.12.2013 latest by 17.05.2019. On filing of such representation along with the relevant record, the matter would be considered by the Housing Board.

7. In decision making process, the Housing Board shall consider the explanation of the petitioner and the directions/observations issued by the Division Bench in the Public Interest Litigation as well as the other materials the Housing Board has placed on record in the instant case by way



of counter affidavit.

8. Necessary decision on consideration of the entire materials shall be taken by the Housing Board within a period of 90 days from the date of filing of such application after noticing the petitioner and the intervener/private respondent as well as all stakeholders. The Housing Board shall also provide opportunity of hearing to the petitioner and the private respondent as well as all other stakeholders in the matter of taking decision on the explanation filed by the petitioner.

9. The petitioner and private respondent shall appear before the Managing Director of the Housing Board on or before 30.05.2019 and thereafter the Managing Director shall fix a date of hearing in the matter and thereafter hear the petitioner and the intervener/private respondent.

10. The order as contained in Annexure-4 shall not be acted upon until final order passed by the Managing Director of the Housing Board.

11. With the aforesaid, this application stands disposed of.

(Anil Kumar Upadhyay, J)

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