

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12976 of 2019

1. M/s Pahi Construction Pvt. Ltd. through its Managing Director, Ranjit Kumar Mishra, aged about 47 years Male, Son of Khur Khur Mishra, resident of village Pahi (Sarisab-Pahi), P.s.- Pandaul, Distt.- Madhubani, Bihar, Presently residing at Flat No. 201, Gargi Complex, West Patel Nagar, P.s.- Shastri Nagar, Distt.- Patna
2. Ranjit Kumar Mishra aged about 47 years, Male, S/o Khur Khur Mishra Managing Director, Pahi Construction Pvt. Ltd., resident of village Pahi (Sarisab-Pahi), P.s.- Pandaul, Distt.- Madhubani, Bihar, Presently residing at Flat No. 201, Gargi Complex, West Patel Nagar, P.s.- Shastri Nagar, Distt.- Patna
3. Kalpana Kumari aged about 46 years, Female, W/o Ranjit Kumar Mishra Director, M/s Pahi Construction, resident of village Pahi (Sarisab-Pahi), P.s.- Pandaul, Distt.- Madhubani, Bihar, Presently residing at Flat No. 201, Gargi Complex, West Patel Nagar, P.s.- Shastri Nagar, Distt.- Patna.

... .. Petitioners

Versus

1. The State of Bihar through Urban Development cum Commissioner, Vikash Bhavan Baily Road, Patna
2. The Real Estate Regulatory Authority, Bihar through Principal Secretary 6th Floor, Bihar State building Construction Corporation Limited Complex, Shastri Nagar, P.s.- Shastri Nagar, Distt.- Patna - 800023
3. Atma Nand Jha aged about 55 years, Male, S/o Late Sachchidanand Jha Vill.- Haripur, P.s.- Pandaul, Distt.- Madhubani, Presently residing at Flat No. 401 Sunrise Sangita Palace, CDA Colony, P.s.- Shastri Nagar, Distt.- Patna- 800023
4. Uday Kumar aged about 65 years Male, S/o Late Dr. Nagina Prasad Singh Resident of Punaichak, P.s.- Shastri Nagar, Distt.- Patna
5. Senior Superintendent of Police, P.S. + District – Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh
For the Respondent/s : Mr.Abbas Haider (Sc6)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-06-2019 Learned counsel for the petitioners is permitted to add

the Senior Superintendent of Police, Patna as party respondent

no. 5 in course of the day.

Learned counsel for the petitioners submits that



Section 36 of the Real Estate (Regulation & Development) Act, 2016 confers power upon the Regulatory Authority to pass an interim order, however the nature of order passed by the authorities are beyond their jurisdiction. It is submitted that the petitioners are aggrieved with the part of the impugned order by which the Senior Superintendent of Police, Patna has been directed to enforce the attendance through local Police Station on the next date of hearing i.e. 9th July, 2019 at 11 a.m.

Learned counsel submits that the petitioner no. 2 undertakes to appear before the Regulatory Authority on 9th July, 2019 at 11. A.M. in terms of the order.

In the aforesaid view of the matter, considering the undertaking given by the petitioner to appear before the Regulatory Authority on 9th July, 2019 at 11 A.M., this court directs that the Senior Superintendent of Police, Patna shall not take any coercive measure against the petitioners. The petitioners shall be at liberty to submit their stand and pray for such order/orders as may be advised to them in accordance with law.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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