

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15448 of 2018

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Anpurna Devi W/o Late Vishwanath Prasad Singh, Ambay Niwas, Rampur,
Civil Line District Gaya Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through its secretary, Public Health and Engineering Department, Government of Bihar, Patna
2. The Engineer in Chief, Public Health and Engineering Department, Government of Bihar, Patna.
3. The District Magistrate, Gaya, Bihar.
4. The Superintending Engineer, Public Health and Engineering Department, Gaya Circle, Gaya.
5. The Executive Engineer, Public Health and Engineering Department, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajesh Dayal
For the Respondent/s	:	Mr.S.Raza Ahmed -Aag5
	:	Mr. Alok Ranjan

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 22-10-2019

1. The present writ petition has been filed for directing the respondents no. 4 and 5 i.e. the Superintending Engineer, Public Health and Engineering Department, Gaya Circle, Gaya and the Executive Engineer, Public Health and Engineering Department, District- Gaya to vacate the premises of the petitioner situated at A.P. colony, Holding no. 1914, Ward no. 9, Gaya Nagar Nigam, Ambay Niwas Civil Line, Rampur District at Gaya, where the said respondents are running office-cum-godown, after taking the same on rent as also to pay the



arrears of rent.

2. The respondents have filed counter affidavit, wherein a preliminary objection has been raised with regard to the maintainability of the present writ petition, inasmuch as the appropriate remedy for the petitioner, in case she seeks eviction of the respondents no. 4 and 5, is filing of an eviction suit/ invoking the provisions of the Bihar Building (Lease, Rent and Eviction Control) Act, 1982. It is further submitted that the Executive Engineer, Gaya, vide his letter dated 17.04.2018, has assured the writ petitioner that the respondents will vacate the office and godown as soon as suitable place is available, inasmuch as the respondents are in search of new space for their office and godown.

3. I have heard the learned counsel for the parties and perused the materials on record. I find that in case, the petitioner seeks eviction of the respondents, she has to take recourse to the due process of law by filing appropriate eviction suit/ invoking the provisions contained in the Bihar Building (Lease, Rent and Eviction Control) Act, 1982, hences writ petition is not an appropriate remedy, thus the present writ petition stands dismissed.

However, considering the fact that the petitioner is



aged about 85 years, I deem it fit and appropriate to grant liberty to the petitioner to approach the Secretary, Public Health and Engineering Department, Government of Bihar, Patna by filing an appropriate representation regarding her aforesaid grievances which shall be disposed off by the Secretary, P.H.E.D., Government of Bihar, Patna by advertng to the grievances of the petitioner and resolving the same within a period of eight weeks of filing of such an application.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.10.2019
Transmission Date	NA

