

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18453 of 2021

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Mr. Punit Kumar, Son of Sri Pramod Kumar Mishra, Resident of House No.
22, C.D.A. Colony North Shastri Nagar, P.S.- Shastri Nagar District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department,
Government of Bihar, Patna.
3. The Special Secretary, Urban Development and Housing Department,
Government of Bihar, Patna.
4. The Secretary, Bihar Rera Appellate Tribunal, Patna.
5. The Chairman, Real Estate Regulatory Authority, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Punit Kumar, Advocate
For the Respondent/s : Mr.Lalit Kishore, AG

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE A. M. BADAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 26-10-2021

The petitioner has prayed for the following relief/s :-



- (i) For issuance of appropriate writ/writs, order/orders/ , Direction/Directions against the orders passed by respondent no. 4 namely the Bihar Real Estate Appellate Tribunal, Patna, in the following cases i.e REAT No.31/2021 vide order dated , REAT No. 35/2021 vide order dated , REAT No. 49/2021 vide order , and in several alike appeals whereby and whereunder the said appeals have been remanded back to the Authority on the ground that as per the composition of the Authority, single member of the Authority had no jurisdiction to decide over the complaint filed before it by complainants/allottees and, as such, the impugned order passed by Authority is not maintainable as per the provisions contained in RERA Act, 2016.
- (ii) For issuance of appropriate writ/writs, order/orders/ , Direction/Directions against in the nature of mandamus directing the respondent authorities to take necessary steps for appointment of Adjudicating Officers of the Authority RERA Patna which is vacant for last six months resulting into pendency of large number of cases to be adjudicated affecting thousands of people at large, suffering irreparable loss due to its non- functioning.
- (iii) Pass such other order / orders which may appear fit and proper in the facts and circumstances of the instant case.



Learned counsel for the petitioner fairly points out that the body, namely, the Real Estate Regulatory Authority, Bihar, required to be constituted under the provision of the Real Estate (Regulation and Development) Act, 2016, stands constituted.

In this view of the matter, we are not inclined to pass any other order, save and except, that it shall be open for the aggrieved party to seek appropriate remedy, if so required and advised, in accordance with law.

Petition stands dismissed.

Interlocutory Application, if any, shall stand dismissed.

(Sanjay Karol, CJ)

(A. M. Badar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	27.10.2021
Transmission Date	

