

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.847 of 2022

Sanjay Sinha, Son of Late Randhir Sinha, Resident of Maa Shambhavi Enclave, Flat No. - 501, K.D. Chatterjee Path beside S.B.I. ATM, East Boring Canal Road, Patna, P.O. - Buddha Colony, P.S. - Boring Canal Road, GPO Road, Patna - 800001, Bihar.

... .. Petitioner/s

Versus

1. The Principal Secretary Cabinet, Cabinet Secretariat, Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Chairman Real Estate Regulatory Authority Bihar, Patna.
4. Vijay Nath Gupta, Son of Late Ram Prasad Sao, Resident of Danapur Main Road Near P.N.B. Opposite Mama Medical P.O. and P.S. - Danapur, District-Patna - 801503.
5. Smt. Pramila Devi, Wife of Bhola Nath Gupta, Resident of Danapur ain road, Near P.N.B. opposite Mama Medical P.O. and P.S. -Danapur, District-Patna - 801503.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Saurabh Bishwambhar, Advocate

For the Respondent/s : Mr.Lalit Kishore (Ag)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)



2 28-01-2022

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

- (i). To issue a writ, order or direction in the nature of Mandamus commanding/directing the Respondent to henceforth review Section 6 (3) of RERA, Patna Notification dated 02/08/2021 which states that **Landowners would be treated as an Allottee**, as it is inconsistent with section 2(zk) of the Real estate Regulation and Development Act, 2016. .
- (ii). To issue a writ, order or direction in the quashing section 6 (3) of the Notification dated 02/08/2021 of REAL Estate Regulatory Authority, Patna Bihar as contained in Annexure-1 which stands against the public interest and against section 2 (zk) of Real estate Regulation and Development Act, 2016.

Learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to file a fresh petition, though not as a PIL, on the same cause of action.

Permission granted.

The present petition stands disposed of as withdrawn



with liberty aforesaid.

Interlocutory Application(s), if any, shall stand
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

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