

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6288 of 2022

Mr. Abhijeet Gupta 11, Tarni Prasad Lane, Goshala Galli, Bhagalpur PIN-812002.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Government of Bihar, Patna.
2. The Adjudicating Officer Real Estate Regulatory Authority (RERA), Bihar, Patna.
3. Mr. Shailendra Kumar Sinha, Flat No. B-1, Anand Bhawan Apartments, Road No. 4A, Gardanibagh, Patna, PIN- 800001 Email Sinhaask808@gmail.com
4. Mr. Alok Agarwal (M/s Mittal Infraspaces), Rai Gopal Sarkar Lane, Naya Bazaar, Bhagalpur, PIN- 812002 Email- bgpmittalinfra@gmail.com

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vinayak Harshvardhan, Advocate
For the Respondent/s	:	Mr. Kinkar Kumar (Standing Counsel-9)
		Mr. Yogesh Kumar, AC to Standing Counsel-19
For the RERA	:	Mr. Jainandra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-12-2022 The present writ petition has been filed seeking the following relief:-

“1. At the outset, it is submitted that herein petitioner has preferred the present Petition praying for setting aside of the impugned order dated 08.10.2021 (hereinafter referred as 'Impugned Order') passed in RERA/CC/655/2021 and order dated 17.02.2022 (hereinafter referred as Appellate Order') as passed by Ld. Appellate Tribunal in Appeal No. 68 of 2021. It is submitted that the Petitioner is seeking the relief of:

(i) Quashing and setting aside of impugned order and appellate order inter alia on grounds of being perverse to the settled law on various counts. It is submitted the orders under challenge are bad in law and have no legal foundation.”

At the outset, the learned counsel for the petitioner



seeks liberty on behalf of the petitioner to either file appropriate review petition, under Section 53(4) (e) of the Real Estate (Regulation & Development) Act, 2016, for reviewing the order dated 17.02.2022, passed by the learned Real Estate Appellate Tribunal in Appeal No. 68 of 2021 or file an impleadment petition in the pending Miscellaneous Appeal No. 164 of 2022 (Mittal Infraspaces vs. Shailendra Kumar Sinha), which has been filed against the aforesaid order dated 17.02.2022. Liberty so sought is granted.

At this juncture, the learned counsel for the petitioner prays that some protection be granted to the petitioner, during the interregnum period, against the action sought to be taken by the Executing Court. In the interest of justice, I deem it fit and proper to direct that for a period of four weeks from today, no coercive action shall be taken against the petitioner, in order to enable the petitioner to avail the aforesaid remedies for redressal of his grievances.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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