

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.263 of 2022

In
Civil Writ Jurisdiction Case No.1783 of 2022

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Nagendra Rai son of Late Mahavir Rai Resident of Ram Jaipal Nagar,
Tirumala Colony, Police Station- Rupaspur, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Real Estate Regulatory Authority, Patna.
3. The Special Duty Officer, Danapur, Nagar Parishad, Patna.
4. The Executive Officer, Nagar Parishad, Nijamat Danapur, Patna.
5. The Sub- Divisional Officer, Danapur, Patna.
6. The Officer In-charge Police Station- Rupaspur, Patna.
7. The M/s Aarini Developers Private Limited through the Director Manish Kumar son of Murli Manohar Singh, Resident of Village- Nashariganj, Mithila Colony, Police Station- Digha, District- Patna.
8. Seema Dubey W/o Sri Jogendra Prasad Dubey resident of Lalkothi Compound, North Mandiri, Police Station- Budha Colony, Patna.
9. Malti Devi wife of Not known, resident of Nashriganj, Mithila Colony, Police Station- Digha, Danapur, District- Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Mahasweta Chatterjee
For the Respondent/s : Mr.Yogendra Pd. Sinha (Aag7)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

3 18-10-2022 Heard Mr. Ataul Haque, the learned counsel for

the appellant and the learned counsel for the State.

The challenge in the present appeal is to the

order dated 21.04.2022 passed in C.W.J.C. No. 1783 of



2022, whereby the appellant has been directed to agitate his grievances before the RERA Authority as RERA is in seisin of the matter.

It appears from the records that in one portion of Tirumala Colony, in which the appellant has been residing and who has been authorized by other colony members to pursue this petition, a multi-storeyed building was being constructed. When this was resisted by the local persons, it came to light that the map of such building had been approved and had been registered with the RERA Authorities. Though sanction was granted in the year 2011 but according to the bylaws, the building was required to be constructed within a period of three years.

Mr. Haque, the learned Advocate for the appellant has submitted that after four years of the expiry of the sanction period, again sanction was granted for construction of the building, which sanction expired by 19th of July 2021.

The appellant had also filed objection under Section 7 of the RERA Act which matter is pending before



such authority.

In this context, the learned Single Judge perhaps found that it would be more meaningful if the issue is decided by the RERA Authority.

Apart from this, the learned counsel for the appellant has brought to the notice of the Court that a complaint was also made before the Public Grievance Redressal Cell which had taken note of such construction. It has been pointed out that there was some restraint order by some authority but despite that, the construction work has been continuing.

These facts do not convince us for interfering with the order passed by the learned Single Judge for the reason that the construction of the multi-storeyed building is according to the sanctioned plan and period during which this construction has to be completed has been extended later. A reason also has been provided for not finishing the construction work within the first period of sanction. The builder had left the consortium and, therefore, another builder had to be employed to complete



the work.

There is no statement in the writ petition with respect to any encroachment or deviation from the requirements set out in the sanctioned map.

Thus, we do not find any reason to interfere with the order passed by the learned Single Judge.

The appeal is dismissed.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

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