

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.933 of 2021

In
Civil Writ Jurisdiction Case No.14474 of 2018

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1. Shri Maheshwar Ojha Son of Late Shri Baidhyanath Ojha Resident of Village- Karja, P.S. Umaraonganj, P.O. Bihiya, District- Bhojpur, at Presently residing at Shaket Bhawan, Civil Line, Near Durga Talkies, Buxar, District-Buxar Bihar.
 2. Shri Rishikesh Ojha Son of Late Shri Bhuneshwar Ojha Resident of Village- Karja, P.S. Umaraon Ganj, P.O. Bihia, District- Bhojpur, Bihar.

... .. Petitioner/s

Versus

1. Bihar State Housing Board Through its Managing Director namely Shri Raman Kumar having office at 6 Sardar Patel Marg, Patna, P.S.- Sachiwalaya, District- Patna.
2. The Executive Engineer Namely Shri Prakash Chandra Raju, Bihar State Housing Board, Division-III, Sri Krishna Nagar, P.S.- Budha Colony, P.O.- Kidwaipuri, District- Patna having office at Bhutnath Lane, Kankarbagh Colony, District- Patna.
3. Shri Ramdeo Singh Yadav Son of Late Gobind Singh Yadav Earlier resident of Plot No. L-83, Road No. 21, Mohalla- Shrikrishna Nagar, P.S.- Budha Colony, District- Patna, permanent address- Khoja Bazar, P.S.- Munger, District- Munger.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar, Advocate
For the BSHB	:	Mr. Lakshman Lal Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-06-2023 Heard the parties.

The present petition has been preferred for issuance of contempt proceeding against the opposite parties for violation of order dated 17.05.2019 in CWJC No.14474 of 2018, by which while dismissing the writ petition of one Ramdeo Singh Yadav, the Bihar State Housing Board (henceforth for short ‘the Board’) was directed to provide the petitioner vacant possession of L-83 at Shri Krishna Nagar, Patna within 60 days.



Pursuant to the filing of the contempt petition, finally the possession was given to the petitioner on 08.05.2023 with a rider that till the pendency of LPA No.688/2019 filed by the said Ramdeo Singh Yadav, the status quo relating to the building shall be maintained. (Annexure-9).

On the last occasion, a coordinate bench of this Court had taken note of the aforesaid clause and had observed that in no way concerns 'the Board' and as such adjourned the matter for 19-06-2023. Today a supplementary show-cause has been filed on behalf of 'the Board' in which paragraphs 6 reads as follows:

“6. That it is humbly submitted that petitioner raised objection regarding last portion of order/direction of memo no. 2096 dated 04/05/2023 regarding maintaining the status quo of constructed building over the plot no. L-83. In this regard it is humbly submitted that petitioner can make essential maintenance including painting for making livable house without damaging the basic structure of constructed building, made by Shri Ramdeo Singh Yadav, subject to the outcome of LPA No. 686/2019, as the said LPA is pending before this



Hon'ble court, which is filed by Shri Ramdev Singh Yadav and in this case Bihar State Housing Board has been impleaded as respondent."

From the aforesaid facts as also pleadings on record it is clear that after denying the possession of the plot to the petitioner by 'the Board' for a long period despite the other side loosing the battle at every court; finally when the possession was given, the same has come with a rider which the coordinate bench has rightly observed had in no way concern 'the Board'.

As per their own averments, the LPA was filed in 2019 and we are in 2023 it is not the case of 'the Board' that there is interim protection to the said person in the appeal preferred by him which warranted it to put a rider while providing the possession to the petitioner.

Despite the clear observation of the coordinate bench, once again the supplementary show-cause talks about the same facts.

In the circumstance this Court at the first instance was of the view of summoning the Managing Director of 'the Board' to explain his position but finally has decided to impose a cost of Rs.20,000/- on him to be paid to the Patna High Court Legal Services Committee within a period of two weeks from today.



It is expected that the Managing Director, Bihar State Housing Board, Patna will come to terms and do the needful in the order for a hassle free possession to the petitioner.

The contempt petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

Prakash Narayan /-

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