

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8655 of 2023

1. Sabita Kumari W/o Dr. Sanjay Kumar Sinha Resident of Flat No.- 304, Laxmi Niwas, Khagaul Road, Infront of Canara Bank, Mithapur, P.S.- Jakkanpur, Patna 800001.
2. Neelam Pathak, W/o Late Din Bandhu Pathak Permanent Resident of Late Jeetram Pathak, Professor Colony, P.S.- Nawada, Ara, Bihar, At present Resident of C 203, Victoria Heaven Apartment, Krishna Reddy Layout, Domlur, Bangalore, Karnataka- 560071.
3. Sri Ashutosh Kumar, S/o Sri Chandrika Dubey Resident of Flat No.- 202, Som Kunj Apartment, A.N. Path, Lane No. 5D, North S.K. Puri, Patna- 800013.
4. Bharat Lal Singh, S/o Sri Rameswar Singh Permanent Resident of Vill. and Post Fakharpur, District- Arwal 804401 At present Resident of 56 Inf. Div. Sig. Regt. PIN- 917856 C/o 99 APO Likabali, Arunachal Pradesh, Pin- 791125.
5. Bachchan Devi, W/o Sri Suresh Prasad Sharma Resident of Flat No.- B-11, Ashray Homes, Ara Garden Road, Jagdeo Path, Patna, Bihar 800014 at present Flat No. 204, Sunrise Sai Tower, R.K. Puram Road, Jamsaut, Ashopur, Patna 801503.
6. Suresh Prasad Sharma, S/o Rajendra Prasad Sharma Resident of Flat No.- B-11, Ashray Homes, Ara Garden Road, Jagdeo Path, Patna, Bihar 800014 at present Flat No. 204, Sunrise Sai Tower, R.K. Puram Road, Jamsaut, Ashopur, Patna 801503.
7. Priyanka Kumari, Wife of Sri Santosh Kumar Sharma Resident of Flat No.- B-11, Ashray Homes, Ara Garden Road, Jagdeo Path, Patna, Bihar 800014 at present Flat No. 204, Sunrise Sai Tower, R.K. Puram Road, Jamsaut, Ashopur, Patna 801503.
8. Pramod Kumar, S/o Sri Jata Shankar Jha Permanent address Resident of Moh. AHS- 3-221, Near SDO Kothi, Sakrigarh, Sahebganj, District- Sahebganj Jharkhand, at Present Resident of Sri Lakhan Kumar Sahay, Trimurti Nagar, Mithila Colony, Nasrganj, Danapur, Patna- 800018.
9. Nilam Kumari, W/o Sri Sunil Kumar Singh Resident of Vill. and P.S.- Kundal Samastipur, Bihar- 843206.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, State of Bihar, Patna.
2. The Principal Secretary, Ministry of Urban Development Government of Bihar, Vikas Bhawan, Bailey Road, Patna, Bihar.
3. District Magistrate, Patna.
4. Commissioner-cum-Certificate Officer, Patna.
5. Real Estate Regulatory Authority, through its Chairman, having its Office at 6th Floor, Bihar Building Construction Corporation Campus Hospital Road, Shashtri Nagar, Patna 800023.
6. M/s Agrani Homes Pvt. Limited, through its Director, Alok Kumar , Office



at house No. 15, Ward no.- 1FA, Patliputra Colony, District- Patna.

7. M/s Agrani Homes Real Marketing Private Limited, through its Director Alok Kumar Office at house No. 15, ward no.- 1FA Patliputra Colony, District- Patna.
8. Sri Alok Kumar, S/o Sri P. Singh Director M/s Agrani Homes Pvt. Ltd., resident of Yogipur, Chitragupta Nagar, P.O.- Lohianagar, P.S.- Patrakar Nagar, Kankarbagh, Patna- 800020.
9. Rana Ranvir Singh, Director M/s Agrani Homes Real Marketing Private Limited, resident of Yogipur, Chitragupta Nagar, P.O.- Lohianagar, P.S.- Patrakar Nagar, Kankarbagh, Patna- 800020.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Dr. Ratan Kumar, Adv.
For the Respondent/s	:	Mr.Abbas Haider (Sc 6)
For the State	:	Mr. Jainandra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-09-2023 The present writ petition has been filed seeking the following reliefs:-

“1(I). To issue a direction, order or writ including the writ in the nature of certiorari for implementation of the letter / Order No.s as far as it relates to the petitioners as contained in Annexure-4 Series whereby and whereunder this has been issued through the Letter of Execution by the Learned RERA, Patna.

(II). To issue a direction, order or writ including the writ in the nature of Mandamus for implementation of the Order passed by the RERA, Patna to the Respondent No.- 3 District Magistrate, Patna and Respondent No.- 4 Commissioner Cum- Certificate Officer as contained in Annexure - 6 & 7 Series whereby and whereunder the petitioners have been granted the payment of their respective dues along with the interest accrued upon it with a calculation



chart.

(III). To issue a Writ, Order or Direction in the nature of Mandamus Commanding the Respondent No. 3 and 4 to execute Order dated as contained in Annexures 3, 4 and 6 Series strictly in accordance with the provisions contained under Rule 24 of Bihar RERA Rules 2016.

(IV). To issue a general Mandamus to the Respondent No.- 5 to execute the Recovery Certificate issued by the Bihar Real Estate Authority within 3 months from the date of issuance of recovery certificates from the Respondent No. 6.

(V). To issue a direction, order or writ including the writ in the nature of mandamus commanding the Respondents to consider and arrange the payment of the legal dues of the petitioners from giving effect to the impugned order.”

2. After some arguments, the learned counsel for the petitioners seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioners to avail such other alternative remedies as are otherwise available under the law. Liberty, so sought, is granted.

3. The writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

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