

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17341 of 2015

- 1.1. Most. Malti Devi Wife of Late Sukhdeo Prasad Yadav Resident of MIG Flat No. 158, Hanuman Nagar, P.S. Kankarbagh, District- Patna.
- 1.2. Dharamveer, Son of Late Sukhdeo Prasad Yadav Resident of MIG Flat No. 158, Hanuman Nagar, P.S. Kankarbagh, District- Patna.
- 1.3. Rekha Kumari Wife of Abhay Arya, D/o- Sukhdeo Prasad Yadav Resident of Mohalla- Punpun, P.S.- Punpun, District- Patna.
- 1.4. Shobha Kumari Wife of Shambhu Kumar, D/o- Late Sukhdeo Prasad Yadav Resident of Mohalla- Tikari, P.S.- Siwan, District- Siwan.
- 1.5. Nirjala Kumari Wife of Vikash Yadav Resident of Mohalla- Hajipur, P.S.- Hajipur, District- Vaishali.
- 1.6. Mamta Kumari Wife of Parween Yadav, D/o- Sukhdeo Prasad Yadav, Resident of Mohalla- Sunder Nagar, P.S.- Koderma, P.S.- Koderma, District- Koderma (Jharkhand).
- 1.7. Amit Kumar Son of Late Sukhdeo Yadav Resident of Mohalla MIG 158, Hanuman Nagar, P.S. Hanuman Nagar, District- Patna.
- 1.8. Rakhi Roy Wife of Anuj Yadav, D/o Late Sukhdeo Prasad Yadav Resident of Village and P.S.- Ramkrishna Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Housing and Urban Development Department, Government of Bihar, Patna.
2. The Bihar State Housing Board, Patna through its Managing Director.
3. The Managing Director, Bihar State Housing Board, Patna.
4. The Secretary, Bihar State Housing Board, Patna.
5. The Executive Engineer, Bihar State Housing Board, Division II, Bhutnath Road, Patna.
6. The Assistant Engineer, Bihar State Housing Board, Awar Pramandal, Patna.
7. The Estate Officer Division-I, Bihar State Housing Board, Awar Pramandal, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Krishna Kant Singh, Advocate
For the State	:	Mr. Divya Verma, AC to AAG-3



For the Housing Board : Mr. Binita Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 18-07-2023

1. The present writ petition has been filed seeking the following reliefs:-

“(i) For issuance of a writ in the nature of certiorari for quashing the notice as contained in Letter No.188 dated 06.08.2015 issued under the signature of the Assistant Engineer, Bihar State Housing Board, Awar Pramandal, Patna, whereby and where under the petitioner has been directed to vacate Flat No. 158 within 3 months stating that no stay order would be accepted and if within 3 months the flat is not vacated the same would be vacated through Magistrate and police force pursuant to Letter as contained in Memo No. 4123 dated 25.06.2015 issued under the signature of the Landed Property Officer, Bihar State Housing Board, Awar Pramandal, Patna.

(ii) For holding that the Letter as contained in Memo no. 4123 dated 25.06.2015 cannot be made effective in the case of petitioner and further that the order dated 15.05.2015 passed in C.W.J.C. No. 1284/2015 and other cases by the Hon'ble High Court, Patna is not applicable in the facts and circumstances of the present case as the issue



involved are entirely different.

(iii) For further directing the concerned authorities not to take law in their hand and to restrain themselves from passing further orders till the Misc. Case No. 33/2013 does not reaches to a logical conclusion by final adjudication of Title Suit No.469 of 2008.”

2. At the outset, the learned counsel for the petitioners has submitted that though the learned Court of Sub-divisional Magistrate, Patna, vide order dated 11.07.1988, passed in Eviction Suit No.33 of 1985, has directed the parties, including the respondent-Bihar State Housing Board, Patna to maintain status quo, but still the respondents are seeking to evict the petitioner from MIG Flat No.158, situated at Hanumannagar, Lohianagar, Police Station Kankarbagh, Patna.

3. The aforesaid fact has not been disputed by the respondent-Bihar State Housing Board, Patna however, the learned counsel for the respondent-Board submits that the respondents be granted liberty to take recourse to the due process of law, including that of getting the aforesaid order of stay vacated. Liberty so sought is granted.

4. Having regard to the facts and circumstances of the case, this Court deems it fit and proper to direct the respondent-



authorities to maintain status quo qua the aforesaid flat in question till the aforesaid order dated 11.07.1988, passed by the learned Court of Sub-Divisional Magistrate, Patna is either annulled or vacated.

5. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.08.2023
Transmission Date	NA

