

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2820 of 2016

=====

Maheshwar Narain Sinha Son of Late Sukhdeo Narain Sinha resident of Bhatta Bazar, Mahmood Tola, Behind Bus Stand, P.S. Purnea, District - Purnea through his Constituted attorney Rakesh Ranjan Son of Late Bal Krishna Prasad, resident of LIC Flat 13/451, Hanuman Nagar, P.S. Patrakar Nagar, Town and District Patna 13

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Bihar State Housing Board, 6, Mangles Road, Patna through its Managing Director, 6, Mangles Road, P
3. The Managing Director, Bihar State Housing Board, 6, Mangles Road, Patna
4. The Executive Engineer, Division - 1, Bihar State Housing Board, Patna
5. The Assistant Engineer, Division - 1, Bihar State Housing Board, Patna
6. The Collector, Patna

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Amaresh Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Rabindra Kumar Priyadarshi, Advocate
For the State	:	Mr. Md. Raisul Haque, SC-4

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 24-01-2023 Heard Mr. Amaresh Kumar Sinha, learned counsel appearing on behalf of the petitioner and Mr. Rabindra Kumar Priyadarshi, learned counsel for the respondent and Mr. Md. Raisul Haque, learned SC-4 for the State.

2. In the present writ application, the petitioner has prayed for following reliefs:

“I. For issuance of a writ in the nature of writ of Certiorari or any other appropriate writ, order or direction, setting aside the memo no.226 dated 11.01.2016 contained in Annexure-5



whereby the respondent No.2 has asked the respondent No.5 for deployment of police force and directed the respondent no.3 to clear the encroachment with respect to L.I.G. Flat No.13/451.

II. For issuance of a writ in the nature of Mandamus or any other appropriate writ, order or direction, commanding the respondent to act in accordance in with the provisions of the Bihar State Housing Board Act, 1982.

III. For any other reliefs which the petitioner may be found entitled.”

3. Learned counsel appearing on behalf of petitioner submitted that petitioner Maheshwar Narain Sinha is no more who had died in the year 2021 leaving behind his legal heirs. The petitioner had filed representation, as contained in Annexure-4 to the writ petition, and the same has not been acted by the Bihar State Housing Board (in short the Board) while he was alive and till date the same is pending in want of any action.

4. Ms. Sushmita Singh, learned counsel has intervened in this case by filing Interlocutory Application No. 1 of 2021 and she agitated the matter before this Court making allegation against the petitioner that had not abided by the terms and conditions of the allotment letter, which has caused much inconvenience to the inhabitant of the housing Board. She has specifically stated that she resides in Flat No.460 of L.I.G. 13 in



same block. She further submitted that appropriate authority must conduct physical inspection, in presence of the parties, and if it is found that the allegation made by the petitioner and other inhabitant are true in that case, the Managing Director of the Board may be directed to conduct physical inspection and send a copy of the same to District Magistrate, Patna is to proceed in accordance with law after giving opportunity of hearing to the parties once it is found that the inhabitants of the apartment are facing any inconvenience by the act of the parties, who are present before the Court.

5. The Managing Director of the Board is directed to conduct physical inspection of the flat in question personally and if it is found that any of the inhabitants are causing inconvenience to the other occupants, he must proceed in accordance with law within a period of six weeks. All such exercise must be completed within a period of six weeks both by the Managing Director and District Magistrate, Patna.

6. The petitioner, if so advised, get impleaded as party being the legal heirs or power of attorney holder of Late Maheshwar Narayan Sinha and may tender their appearance before the Managing Director, Bihar State Housing Board, Patna.



7. With the above observations and directions, the
present application stands disposed of.

(Purnendu Singh, J)

manish/-

U			
---	--	--	--

