

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 15948 of 2019

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1. Hari Shankar S/o Late Narain Prasad Singh R/o Mohalla M.I.G. 123, S.B.S. Colony, P.S. Rampur, District-Gaya.
 2. Krishna Kumar Sinha Son of Late Bindeshwari Prasad Lall, R/o Mohalla M.I.G. 53, S.B.S. Colony, P.S. Rampur, District Gaya
 3. Shashi Bhushan Prasad Son of Sri Dineshwari Prasad R/o Mohalla M.I.G. 40, S.B.S. Colony, P.S. Rampur, District Gaya
 4. Rameshwar Ram Son of Late Doman Ram R/o Mohalla M.I.G. 39, S.B.S. Colony, P.S. Rampur, District Gaya
 5. Dhananjay Nath Singh Son of Late Sheo Dutta Prasad Singh R/o Mohalla M.I.G.107, S.B.S. Colony, P.S. Rampur, District Gaya
 6. Mritunjay Nath Singh Son of Late Sheo Dutta Prasad Singh R/o Mohalla M.I.G. 28, S.B.S. Colony, P.S. Rampur, District Gaya
 7. Ram Subhag Sharma Son of Late Chandradeep Sharma, R/o Mohalla M.I.G. 57, S.B.S. Colony, P.S. Rampur, District Gaya
 8. Smt. Chandrakali Devi W/o Late Gaya Prasad, R/o Mohalla M.I.G. 140, S.B.S. Colony, P.S. Rampur, District Gaya
 9. Rajendra Prasad Sharma Son of Late Ramawtar Sharma R/o Mohalla M.I.G. 79, S.B.S. Colony, P.S. Rampur, District Gaya
 10. Ram Janam Singh Son of Late Ram Briksh Singh R/o Mohalla M.I.G. 149, S.B.S. Colony, P.S. Rampur, District Gaya
 11. Sushil Kumar Son of Late Akshy Sharma (Grand son of Late Smt. Gujeshwari Devi) R/o Mohalla M.I.G. 87, S.B.S. Colony, P.S. Rampur, District Gaya
 12. Jagdish Ram Son of Late Ram Balak Ram R/o Mohalla M.I.G. 30, S.B.S. Colony, P.S. Rampur, District Gaya

... .. Petitioner/s

Versus

1. The Bihar State Housing Board, Patna through its Managing Director.
2. The Revenue Officer, Bihar State Housing Board, Patna
3. The Executive Engineer, Bihar State Housing Board, Gaya
4. The District Magistrate, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Sinha, Advocate Mr. Ray Saurabh Nath, Advocate
For the Respondent/s	:	Mr. Abbash Haider, SC-6
For Respondent No. 1 to 3		Mr. Mithilesh Kr. Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA



ORAL ORDER

2 24-04-2023 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel appearing for the Housing Board.

The learned counsel appearing for the Housing Board, at the outset, submits that the writ application is not maintainable for the present for the reason that the petitioners have moved this Court for getting the Notices issued by respondent no. 2 against them quashed.

The learned counsel for the Housing Board next submits that the petitioners have challenged the Notices dated 18.02.2019, 18.06.2019 and 19.06.2019 contained in Memo Nos. 2200, 2201, 2202, 2203, 2204, 2205, 2207, 2208 and 2209. It is next submitted that by the aforesaid Notices, the petitioners have been asked to pay an amount as recorded in the Notices towards the arrears for the houses allotted to them by the Housing Board.

The learned counsel appearing for the Board next submits that if the petitioners are aggrieved by the notices, they can very well reply the same and in the event if the authorities are satisfied with their explanation, the Notices may be recalled and in the event if the explanation furnished



by the petitioners does not find favour with the authority, then decision shall be taken in accordance with law. It is further submitted that thereafter a cause of action may arise to the petitioners to move before this Court.

The learned counsel for the petitioners submits that the petitioners have moved before this Court in the year 2019 and since then the writ application is pending.

The writ application is disposed of with a direction to the petitioners to file their replies before the competent authority bringing to his notice the ground on which they sought to challenge the Notices as raised in the present writ application.

In the event, if the petitioners file their replies to the Notices by 15.05.2023, the competent authority shall consider and dispose of the representation within a period of three months thereafter by a reasoned order in accordance with law.

In the meantime, the Court expects that the authority would not take any coercive action against the petitioners.

The writ application is disposed of.



At this stage, the learned counsel for the petitioners submits that I.A. No. 01 of 2022 has been filed seeking substitution of the legal heirs of petitioner no. 9.

The I.A No. 01 of 2022 is allowed.

The legal heirs of petitioner no. 9 as mentioned in Para-1 of the I.A. application stands substituted in place of petitioner no. 9.

(Satyavrat Verma, J)

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