

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19173 of 2021

Vijay Prasad Sinha Son of Late Surendra Sinha Residing at Road No.1, Rajiv Nagar, Phulwari Keshari Nagar, P. O.- Keshari Nagar, P.S.-Patliputra, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Urban Development Department, Bihar, Patna.
2. The Bihar State Housing Board through its Chairman, Bihar, Patna.
3. The Executive Engineer, Bihar State Housing Board, Patna Division-3, Bahadurpur Housing Colony, Patna-800026.
4. Sri Rajesh Shankar Prasad Son of Late Surndra Sinha Resident of Village-Kamla Bhawan, Madar Teressa Marg, Boring Road, P.S.-Shri Krishna Puri, District-Patna.
5. Smt. Kabita Choudhary, Wife of Sri Pawan Kumar Choudhary, Resident of 4M/164, B.H. Colony, Bhootnath Road, Patna-800026.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jainendra Kumar Pushkar, Advocate
For the Respondent/s	:	Mr. Yogendra Pd. Sinha (AAG 7)
	:	Mr. Rajeev Kr. Sinha, AC to AAG 7
For Housing Board	:	Mr. Aditya Kr. Singh-I, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 24-02-2023 The present writ petition has been filed seeking the following reliefs :-

(i) For issuance of an appropriate writ for quashing of the order contained in letter no. 558 dated 22-10-2021 (Anx.- 5), by which, by holding the possession of the petitioner over the Survey Plot no. 5600 (anish) situated in Digha, Rajiv Nagar as illegal, the respondent no. 3 the Executive Engineer, Bihar State Housing Board, Patna Division-3 has asked



the petitioner to vacate the Survey Plot no. 5600 (Ansh) within a week otherwise the same would be vacated by taking legal action with the help of the administration.

(ii) For issuance of an appropriate writ/order/direction directing and commanding the respondents to give the petitioner all consequential benefits including to allow the petitioner to remain in peaceful possession over the aforesaid Survey Plot no. 5600 situated in Digha, Rajiv Nagar, Patna after quashing the aforesaid order contained in letter no. 558 dated 22-10-2021 (Anx.- 5).

(iii) For issuance of an appropriate writ/direction restraining the respondents from disturbing the peaceful possession of the petitioner over the aforesaid Survey Plot-no. 5600-situated in Digha, Rajiv Nagar, Patna.

At the outset, the learned counsel for the respondent- Bihar State Housing Board has referred to the counter affidavit filed in the present case to submit that the land in question, over which right, title and interest are being claimed by the petitioner has already stood acquired by a notification dated 20.02.1976, which has not been challenged by the petitioner, hence, in case the original owner of the land in question approaches the competent authority for grant of



compensation, the same shall be looked into and appropriate decision shall be taken forthwith.

In such view of the matter, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the competent authority for grant of appropriate compensation for his land, which has been acquired. Liberty so sought is granted.

The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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