

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4765 of 2024

Rajeev Ranjan S/o Sri Rajpat Singh, Resident of Village-Gausganj, Vijay Nagar, Ara, P.S. Ara Town, District-Bhojpur, Bihar, presently working as Constable in Indian Army Posted at 66 FD Works Coy, EME00, Khariyan TCP (4JAKL1), Miran Sahib, Jamu, Jamu and Kashmir, Pin Code-181101.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Home Department, Govt. of Bihar, Patel Bhawan, Jawaharlal Nehru Marg, Patna.
2. The Additional Chief Secretary, Home Department, Govt. of Bihar, Patel Bhawan, Jawaharlal Nehru Marg, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Officer In Charge, Gardanibagh Police Station, Patna-1.
....Respondent 1st Set.
5. The Area Manager, L.I.C. Housing Finance Ltd. 8th Floor, Western Wing, BSFC Building, Fraser Road, Patna-01.
6. The Branch Manager, L.I.C. Housing Finance LTD, Rukunpura Patna, 3rd Floor, Korara Enclave, Near Rukunpura Over Bridge, Bailey Road, Patna-800014.
... Respondent 2nd Set.
7. The Regional Manager, Canara Bank, 3rd Floor, Luv Kush Tower, Brajkishore Path, Patna-800001.
8. The Branch Manager, Bahadurpur Branch, Canara Bank, Pylon House, Bazar Samiti Road Opposite Old Bahadurpur Colony, Bahadurpur, Patna.
... Respondent 3rd Set.
9. Niraj Kumar, S/o Shivash Singh, R/o Village-Kanai, P.S. Charpokhari, Dist.-Bhojpur, presently illegally Residing at Flat No. 404, Devki Brij Apartment, Jagiya Toli, Jakkanpur, P.S.-Gardanibagh, Dist-Patna.
... .. Respondent 4th Set.

Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Singh, Advocate Ms. Tulika Singh, Advocate
For the Canara Bank	:	Mr. Rajan Ghoshrave, Advocate
For the State	:	Mr. Amit Prakash, GA-13

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-06-2024 The present writ petition has been filed seeking the following reliefs:-

"(i) To issue an appropriate writ, order or



direction to the Respondents 1st set to remove the Respondent No. 9 from the flat of the petitioner and hand over the vacant possession of the flat of the petitioner to him forthwith.

(ii) To issue further appropriate writ, order or direction to the Respondents 1 set to recover the Baleno Vehicle bearing Registration no. BR-01-DU-9538 to the petitioner after the recovery of the same from the Respondent No. 9

(iii) To issue an appropriate writ, order or direction to the Respondents 2nd set to remove the entire details of Respondent No. 9 including his mobile no. from the housing loan records of the petitioner and further provide entire details to the petitioner with respect to his loan account.

(iv) To issue further appropriate writ, order or direction directing the Respondent 3rd set to remove the entire details of Respondent No. 9 including his mobile no. from the vehicle loan records of the petitioner and further provide entire details to the petitioner with respect to his loan account.

(v) To issue further appropriate writ, order or direction commanding the Respondent Authorities to facilitate and extend every kind of help to the petitioner in the peaceful enjoyment of the property purchased by him on 13.10.2020 from APNA AWAS CONSTRUCTION PVT. LTD.

(vi) To issue further appropriate writ, order or direction restraining the Respondents to facilitate and extend every kind of help to the petitioner in the peaceful enjoyment of



the vehicle purchased by him on 11.07.2018.

(vii) This Hon'ble Court may adjudicate and hold that Respondent No. 9 has no right to live in the flat of the petitioner against the will/desire of the petitioner that too without paying the monthly rent to the petitioner.

(viii) This Hon'ble Court may adjudicate and hold that Respondent No. 9 has no right to the vehicle of the petitioner against the will/desire of the petitioner without paying the instalment of the vehicle as agreed.

(ix) This Hon'ble Court may adjudicate and hold that it was the statutory duty of the Respondent 1st set as well as the other Respondent 2nd and 3rd set to act on the petition filed by the Petitioner for taking action against the Respondent No. 9 for his eviction as well as restoration of possession of flat as well as the vehicle to the petitioner.

(x) This Hon'ble Court may further adjudicate and hold that Respondents' inaction not taking action against the Respondent No. 9 in the given situation is an act of malafide and arbitrary exercise of the authorities and same amounts to injustice with an army personal.

(xi) This Hon'ble Court may further adjudicate and hold that the Respondents' L.I.C Housing finance LTD. as well as Respondent Bank was duty bound to act on the instruction of the petitioner and not on any kind of the instruction of Respondent No. 9.

(xii) This Hon'ble Court may further adjudicate and hold that petitioner is entitled in the facts of the case to get the possession of his flat and the vehicle forthwith.

(xiii) This Hon'ble Court may award the cost of ligation and suitable compensation to the petitioners for the loss



and damages caused to the petitioners due to the illegal and arbitrary actions of the Respondent Authorities."

2. At the outset, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to avail such other alternative remedies as are otherwise available under the law. Liberty, so sought, is granted.
3. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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