

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6906 of 2024

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Devnagri Greencity Private Limited having its registered office at C/o Jyoti Verma, Flat Number 610, Jagat Trade Centre, Fraser Road, Patna through one of its directors namely Rakesh Kumar Sharma male aged about 48 years son of Late Denavnuj Sharma, resident of Motipur, Naubatpur, District- Patna - 801109.

... .. Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary, Urban Development and Housing Department, Government Of Bihar, Patna.
2. The Real Estate Regulatory Authority, Sixth Floor, Bihar State Construction Corporation Building, Shastri Nagar, Patna 800023 through its Chairperson or any other - competent authority.
3. The District Magistrate, Patna.
4. The Senior Superintendent Of Police, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gautam Kumar Kejriwal, Adv. Mr. Atal Bihari Pandey, Adv. Mr. Alok Kumar Jha, Adv. Mr. Mukund Kumar, Adv. Mr. Akash Kumar, Adv. Mr. Aditya Raman, Adv.
For the Respondent/s	:	Mr. Government Pleader (14)
For the RERA	:	Mr. Jainandra Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

3 15-05-2024 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the following reliefs:-

“(i) For issuance of a writ or order or direction in the nature of certiorari for quashing of the order dated 16.01.2024 passed by the Respondent No. 2 in case No. RERA/SM/458/2020



whereby a penalty of Rs. 50 Lacs has been imposed in terms of Section 59(1) of the Real Estate Regulatory Authority, 2016 (hereinafter referred to as the Act, 2016 for short) and the petitioner company has been directed to obtain registration of the project in question within a period of 30 days of issuance of such order failing which action in terms of Section 59(2) of the Act, 2016 would be taken;

(ii) For further issuance of a writ or order or direction in the nature of certiorari for quashing of the Further proceedings of case No. RERA/SM/458/2020 taken up by the respondent Real Estate Regulatory Authority, Bihar (hereinafter referred to as the authority for short);

(iii) For further issuance of a writ or order or direction retaining the respondent authority and any or all of the other respondents from taking any coercive action against the petitioner towards execution of the impugned order dated 16.01.2024 passed by the respondent authority in Case No. RERA/SM/458/2020 for reasons of the said order being without jurisdiction, illegal, unreasonable, and perverse.”

3. Learned counsel appearing on behalf of the petitioner has stated that pursuant to the notice received from RERA, submitted his reply to the authority concerned but the authority concerned has not considered the same nor adverted to the explanation submitted by the petitioner. Learned counsel has



stated that the order impugned in the present writ petition may be set aside and the matter remanded back to the authority concerned for passing orders afresh duly taking into consideration the reply filed by the petitioner herein.

4. Learned counsel appearing on behalf of RERA has fairly stated that the reply submitted by the petitioner has not been adverted to his impugned order and further stated that he has no objection if the impugned order is set aside and the matter remanded back to the authority concerned for passing orders afresh duly taking into consideration the reply submitted by the petitioner.

5. Having regard to the above made submissions, the impugned order dated 16.01.2024 passed by the Respondent No. 2 is set aside and the matter is remanded back to the authority concerned for passing orders afresh duly taking into consideration the reply submitted by the petitioner herein.

6. It is needless to mention that before passing any order the petitioner shall be put on notice and given an opportunity of hearing. Any order passed shall be communicated to the party.

7. In case, the petitioner wants to file further clarification, he is free to do so.



8. With the above observation, the present Writ
Petition stands disposed of to the extent indicated.

(A. Abhishek Reddy, J)

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