

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10733 of 2024

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Aman Abhishek son of Shri Krishna Murari Prasad, resident of C/o Krishna Murari Prasad, just besides Dr. Abha Singh, Rastriya Ganj, Phulwari Sharif, P.O.-Phulwarisharif, P.S.-Phulwarisharif, District-Patna, Pin Code-801505.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Housing and Urban Development, Government of Bihar, Patna.
2. The Collector cum District Magistrate cum District Certificate Officer, Patna.
3. M/s Agrani Homes Pvt. Ltd. through the Director, Khan Villa, South West of B.D. Public School, Budhdha Colony, P.S.-Budhdha Colony, Patna-800001.
4. Alok Kumar, the Director, M/s Agrani Homes Pvt. Ltd. resident of Yogipur, Chitragupta Nagar, P.O.-Patrakar Nagar, P.S.-Lohia Nagar, Kankarbagh, Patna-800020.
5. Real Estate Regulatory Authority, Bihar through the Secretary, at 4th/6th Floor, Bihar State Building Construction Corporation Campus, Hospital Road, Shastri Nagar, Patna-800023.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amaresh Kumar Sinha, Adv. Mr. Ranjeet Ranjan, Adv. Mr. Shailesh Kumar, Adv.
For the Respondent/s	:	Mr. Kamlesh Kishore, AC to SC-12
For the RERA	:	Mr. Jainandra Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-08-2024 The present writ petition has been filed seeking the following reliefs:-

“1(i). For issuance of a writ in the nature of writ of mandamus or any other appropriate writ order or direction, commanding the respondents, more particularly respondent No. 2, to recover the amount of Rs. 17,15,852/- with interest, as specified and directed by the Real Estate Regulatory Authority, Bihar and refund the same



to the petitioner.

(ii). For issuance of a writ in the nature of writ of mandamus, or any other appropriate writ or order or direction, commanding the respondents to implement and execute the order dated 02.08.2022 and 18.07.2023 of the Real Estate Regulatory Authority, Patna.”

2. At the outset, the learned counsel for the petitioner seeks a direction upon the District Magistrate, Patna, to ensure that the cases, filed against the private Respondents No. 3 and 4, under the provisions of the Bihar and Orissa Public Demands Recovery Act, 1914, are concluded, expeditiously.

3. The learned counsel for the Respondents No. 1, 2 and 5 submit that they have got no objection if a direction is given to the District Magistrate, Patna, to ensure institution and disposal of the cases, as aforesaid.

4. Having regard to the facts and circumstances of the case, this Court is of the view that in case, the Real Estate Regulatory Authority, Bihar, Patna, has referred the matter, pertaining to recovery of the aforesaid amount, in pursuance to the Execution Case No. 109 of 2023, filed by the petitioner before the Respondent No. 5, to the District Certificate Officer, Patna, for institution of appropriate cases under the Bihar and Orissa Public Demands Recovery Act, 1914, against the defaulting



builder, it is incumbent upon the District Magistrate, Patna, to ensure initiation / conclusion of the aforesaid cases, within a period of 12 weeks of receipt / production of a copy of this order.

5. Accordingly, the present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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