

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10096 of 2020

State Bank of India Bihar School Examination Board Branch, Sinha Library Road, Frazer Road, Patna 800017 through its Chief Manager.

... .. Petitioner/s

Versus

1. The State of Bihar Through the S.D.M.-cum- Home Collector, Patna Sadar, Town and District- Patna.
2. The S.D.M.-cum- Home Collector Patna Sadar, Town and District- Patna.
3. Bihar School Examination Board (BSEB) Sinha Library Road, Patna 800017 through the Secretary.
4. The Secretary Bihar School Examination Board, Sinha Library Road, Patna-800017.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Chitranjan Sinha, Sr. Adv. Mr. Binod Bihari Sinha, Adv. Mr. Ajay Dutta Mishra, Adv. Mr. Amarjeet Choudhary, Adv.
For the Respondent/s	:	Mr. Lalit Kishore (Ag)
For the BSEB	:	Mr. Satyabir Bharti, Adv. Ms. Kanupriya, Adv. Mr. Abhishek Anand, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 13-11-2024 The present writ petition has been filed seeking the following reliefs:-

“1(i). For quashing of the eviction notice dated 04.12.2020, issued by the SDM-cum-Home Collector, Patna Sadar, under Section 4 of the "Bihar Government Premises (Rent, Recovery & Eviction) Act, 1956, in Eviction Case No. 20 of 2020. By this order, the learned SDM-cum-Home Collector, Patna Sadar has called upon the petitioner Bank to vacate the Branch premises, in which the petitioner Bank has been legally in



possession and running Banking Business for the last 55 years, within 15 days from the date of the service of notice otherwise it will be liable to be forcibly evicted there from.

(ii). For staying the operation of the eviction notice dated 04.12.2020, till the disposal of the writ application.

(iii). For directing the Respondents not to take any coercive action against the petitioner Bank and/or its personnel till the disposal of the writ petition as the order dated 04.12.2020 contains direction to the effect that the petitioner Bank will be evicted from the premises forcibly.

(iv). For a direction to the authority concerned for continuing the Branch in the BSEB premises and to renew the tenancy of the premises in question.”

2. At the outset, the learned counsel appearing for the Respondent-Bihar School Examination Board, Patna, submits that though admittedly the impugned notice dated 4.12.2020, issued by the SDM-cum-House Collector, Patna Sadar, under the provisions of Bihar Government Premises (Rent, Recovery & Eviction) Act, 1956, is coram non judice, however, subsequently, the Bihar School Examination Board has filed one eviction Suit bearing Eviction Suit No. 48 of 2024, before the Sub-Judge-II, Patna, hence, the proceedings of the same be



directed to be expedited.

3. The learned Senior Counsel for the petitioner submits that in view of the aforesaid, the impugned notice dated 4.12.2020, issued by the SDM-cum-House Collector, Patna Sadar, be quashed and as far as expediting the proceedings of the aforesaid Eviction Suit No. 48 of 2024 is concerned, the petitioner has got no objection.

4. Having regard to the agreement arrived at in between the parties, I deem it fit and proper to quash the eviction notice dated 4.12.2020, issued by the SDM-cum-House Collector, Patna Sadar, being coram non judice, however, the learned Court of Sub-Judge II, Patna, is directed to expedite the proceedings of the pending Eviction Suit No. 48 of 2024.

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

(Mohit Kumar Shah, J)

Ajay/-

U			
---	--	--	--

