

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13605 of 2023

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Nunu Acharya S/o Late Dukha Acharya, R/o Weaker Section Flat No.13/147,
Lohiya Nagar, P.S.- Kankarbagh, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Chairman-cum-Managing Director, Bihar State Housing Board, Patna
3. The Secretary Bihar State Housing Board Patna.
4. The District Magistrate, Patna.
5. The Additional District Magistrate Incharge Law and Order, Patna.
6. The Executive Engineer, Bihar State Housing Board Patna Division-1,
Patna.
7. The Officer-in-charge Kankarbagh Police Station Kankarbagh Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manindra Kishore Singh, Advocate
For the State	:	Mr. Yogendra Pd. Sinha (Aag7)
For the Board	:	Mr. Ram Kishore Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 02-07-2024 The present writ petition has been filed seeking the
following relief:-

“(I) To set aside the order issued vide letter no. 403 dated 15.4.2023 as well as letter no. 753 dated 13.7.2023 issued by the Executive Engineer, Bihar State Housing Board Patna Division I, Patna (Respondent no.6) whereby the petitioner has been directed to vacate the flat of weaker section bearing flat no.13/147 situated in Lohiya Nagar, Kankarbagh, Patna and to deposit of the penalty amounting to Rs.5,92,523/- (Five Lakh Ninty two thousand five hundred twenty three) for encroaching the residential flat and also directed the Additional District



Magistrate, Law & order, Patna (Respondent no.5) to get the flat vacated.

(II) For further direction to the respondent not to vacate the said flat in which petitioner has been residing for last 47 years awaiting for proper allotment for which he has filed application and further he has been paying rent for said flat till it was accepted.

(III) For direction to allot the said flat in the name of petitioner in accordance with law for which the petitioner is ready abide the direction”

2. It is admitted by the petitioner that the petitioner is an encroacher and legally, he has got no right, title and interest in the house in question, however, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the authorities of the respondent- Bihar State Housing Board, Patna, for sympathetic consideration.

3. Liberty, so sought, is granted.

4. This writ petition stands dismissed.

(Mohit Kumar Shah, J)

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