

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2483 of 2024**

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M/s Super City Builders Pvt. Ltd. through its Managing Director Anil Kumar (Male), age -55 years, S/o Late Sri Suddhu Sah, R/o-101, City Plaza, Road No. 26, Sri Krishna Nagar, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Urban Development and Housing Department, Govt. of Bihar.
2. The Principal Secretary, Urban Development and Housing Department, Govt. of Bihar.
3. The Real Estate Regulatory Authority, Patna.
4. The Collector, Patna.
5. The Certificate Officer, Patna.

... .. Respondent/s

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**Appearance :**

|                      |   |                                                         |
|----------------------|---|---------------------------------------------------------|
| For the Petitioner/s | : | Mr. Ranjay Kumar Singh, Adv.<br>Mr. Santosh Kumar, Adv. |
| For the Respondent/s | : | Mr. Government Pleader (25)                             |
| For the State        | : | Mr. Ramadhan Singh, Adv.                                |
| For the RERA         | : | Mr. Jainandha Kumar, Adv.                               |

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

2      08-05-2024                      Heard the learned counsel for the parties.

2. This writ petition has been filed for the following

relief(s):-

*“i) to issue an appropriate writ, order or direction in the nature of mandamus commanding the Respondent No. 3 (Real Estate Regulatory Authority) to hear and decide the Review Petition filed by the petitioner against the order dated 21.01.2022 passed in RERA CC 930/2021.*

*ii) To issue an appropriate*



*writ, order or direction in the nature of certiorari to quash the entire proceeding of Certificate Case No. 158A of 2023-24 for being pre-mature and illegal.*

*iii) To issue an appropriate writ, order or direction in the nature of mandamus commanding the concerned Respondents not to proceed against the petitioner in Certificate Case No. 158A of 2023-24 till the Review Petition filed by the petitioner against the order dated 21.01.2022 passed in RERA CC 930/2021 is decided.”*

3. Learned counsel for the petitioner has stated that the petitioner has preferred a review against the order passed by the Real Estate Regulatory Authority (RERA) Patna, Bihar in Case Nos. RERA/CC/930/2021 and the same is pending adjudication. Learned counsel has stated that though the review application has been filed more than one year back, the authority has not numbered the application nor rejected the review application. That in the interregnum the complainant in the case has filed a Certificate Case against the petitioner. That the Certificate Officer has issued notice vide memo No. 464 dated 05.08.2023. Learned counsel has, therefore, prayed this Hon'ble Court to direct the R.E.R.A. authority to number the review petition filed by him and dispose the same in accordance



with law.

4. Per contra, the learned counsel appearing on behalf of the Respondent No. 3 has stated that there is no provision under the R.E.R.A. Act for reviewing the order passed by the Regulatory Authority. However, under Section 43(5), the petitioner if he is aggrieved by any order passed by the Regulatory Authority can prefer an appeal. Learned counsel has stated that the application filed by the petitioner for review of the order dated 21.01.2022 will be decided in accordance with law.

5. Having regard to the above made submissions without going into the merits or demerits of the case, the Respondent No. 3 is directed to verify if the application filed by the petitioner for review of the order dated 21.01.2022 passed in Case No. RERA CC 930/2021 is still pending and if the same is pending, they are directed to dispose of the same in accordance with law. It is made clear that this Court has not directed the authority to number the review application, but has only directed it to decide whether the review petition is maintainable or not and if the same is maintainable pass necessary order on merits.

6. With the above directions, the present writ petition



is disposed of.

(A. Abhishek Reddy , J)

Gauravkr/-

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