

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.366 of 2024

Sunil Choudhary S/o Veer Bhadra Choudhary, Resident of Quarter No.B
03/01 Bailey Road, Patna, P.S.- Shastrinagar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Building Construction Department, Govt. of Bihar, Patna.
3. The Land Estate Officer, Building Construction Department, Bihar, Patna.
4. The Competent Authority, Building Construction Department, Bihar, Patna.
5. The Executive Engineer, Building Construction Department, Patliputra Division, Patna.
6. Secretary, Bihar Legislative Council, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mukesh Kant, Advocate Mr. Ashish Anand, Advocate
For the Respondent/s	:	Mrs. Archana Meenakshee, GP-6
For Bihar Legislative Council (Respondent No.6)	:	Mr. Aditya Prakash Sahay, Advocate Mr. Piyush Tiwari, Advocate Mr. Ankita Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 21-10-2024 The present writ petition has been filed for quashing of letter dated 10.11.2023, issued by the Deputy Secretary-cum-Land Estate Officer, Building Construction Department, Bihar, Patna, i.e. the respondent no.3 herein, whereby and whereunder allotment of Quarter No.B-3/1, 96 Set, Officers' Quarter, Nehru Path, Patna has been cancelled and the same has been directed to be returned back to the Central Pool, with effect from 28.09.2023, in view of allotment of new quarter in favour of the



petitioner, bearing House No.36, New MLC Premises, R. Block, Patna.

2. The learned counsels for the parties have been heard for quite some time and they have made allegations and counter allegations, nonetheless, the picture which emerges from a bare perusal of the materials on record is that the petitioner is, at the moment, retaining two quarters. However, the Bihar Legislative Council, in the counter affidavit filed in the present case has clarified that the Building Construction Department has no jurisdiction to direct for transfer of quarter into the Central Pool, hence, vide letter dated 04.01.2024, the Principal Secretary, Building Construction Department, has been asked as to under what circumstances House No.B-3/1, 96 Set, Officers' Quarter, Nehru Path, Patna has been taken into Central Pool without consent of the Bihar Legislative Council.

3. The learned counsel for the respondent-State has submitted that since the petitioner has been allotted a new quarter bearing House No.36, New MLC Premises, R. Block, Patna, the earlier quarter being retained by him has been directed to be transferred to the Central Pool, with effect from 28.09.2023, nonetheless, in case the petitioner vacates the new quarter allotted to him, i.e. House No.36, New MLC Premises,



R. Block, Patna, he would be, for the moment, permitted to retain the earlier quarter allotted to him, i.e. House No.B-3/1, 96 Set, Officers’ Quarter, Nehru Path, till the time, the matter is resolved with the Bihar Legislative Council. It is directed, accordingly.

4. It is needless to state that the petitioner shall vacate the new quarter allotted to him, i.e. House No.36, New MLC Premises, R. Block, Patna, within a period of two weeks from today positively, failing which the respondents shall be at liberty to get the same vacated by resorting to coercive measures.

5. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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