

IN THE HIGH COURT OF JUDICATURE AT PATNA
SECOND APPEAL No.311 of 2024

Purvottar Railway College

... .. Appellant/s

Versus

Senior Section Engineer (Works)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gyan Prakash, Advocate

For the Respondent/s : Mr. Amarendra Nath Verma, Sr. Panel Counsel UOI
Ms. Surbhi Bhusan

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

5 06-05-2025 This Second Appeal has been filed against the judgment and decree dated 04.09.2024 passed by the First Additional District Judge, Saran at Chapra in Eviction Appeal No. 03 of 2021. The Eviction Appeal has been filed under Section 9(1) of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 against the order dated 18.11.2021 passed by the learned Estate Officer, Sonpur.

2. In view of the decision of the Hon'ble Apex Court in the case of **LIC Vs. Nandini J. Shah** reported in **AIR 2018 SC (CIV) 1650**, the instant Second Appeal is not maintainable. The Hon'ble Apex Court has held that *"If so, the remedy under Article 227 of the Constitution of India alone could be availed in the fact situation of the present case and not under Article 226, for issuance of a Writ of Certiorari."*



3. Learned counsel for the appellant seeks permission to convert this Second Appeal into Civil Writ Jurisdiction Case under Article 227 of the Constitution of India. Permission is granted.

4. Learned counsel for the appellant is permitted to convert the instant Second Appeal into Civil Writ Jurisdiction Case within one week.

(Khatim Reza, J)

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