

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18641 of 2025

M/s R.R. Builders and Developers represented through its Partner namely Mr. Dinesh Kumar, Male, aged about 53 years, S/o Jamuna Prasad Singh, having its registered office at- 122A, Ashiana Nagar, Phase-I, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Patna.
3. Real Estate Appellate Tribunal, Bihar through its Registrar-cum-Authorized Officer.
4. Real Estate Regulatory Authority, Bihar through its authorized officer, Bihar State Building Construction Corporation Campus Hospital Road, Shastri Nagar, Patna- 800023.
5. Authorized Officer, Real Estate Regulatory Authority, Patna.
6. Sunil Kumar, S/o Birendra Kumar, R/o Golghar, P.O.- G.P.O. and P.S.- Gandhi Maidan, Distt.- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Singh, Sr. Adv.
	:	Mr. Parth Gaurav, Adv.
Respondent	:	Mr. Sumit Kumar, Adv.
	:	Mr. Tanushri, Adv.
	:	Mr. Purushottam Kumar, Adv.
For RERA	:	Mr. Jainandra Kumar, Adv.
For the Respondent/s	:	Mr. Government Pleader 20

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

4 17-12-2025 Heard the learned counsel for the parties.

The present writ petition has been filed for the
following relief(s):-

“A) Quashing the order dated 14.10.2025 passed by Mr. Ved Prakash, Special Presiding Officer, Real Estate Regulatory Authority, Bihar in Execution Case No. 400 of 2024 whereby he has been pleased to reject the oral request of the Respondent/ Petition for recall of the order



dated 26.08.2025.

B) Quashing the original order dated 26.08.2025 passed by Mr. Ved Prakash, Special Presiding Officer, Real Estate Regulatory Authority, Bihar in Execution Case No. 400 of 2024.

C) Direct the executing court to not proceed further in the execution case till REAT (Real Estate Appellate Authority) decides the appeal bearing REAT Case (Token No.) 67 of 2024 in which the order under execution has been put to challenge.

D) During pendency of the present case, the impugned orders (annexure P/1 & P/2) may kindly be stayed.

E) For any other relief(s) as this Hon'ble Court deems fit and proper in the facts and circumstances of the case."

3. It is the case of the petitioner that he is a developer and has entered into a development agreement with the original landlords including the respondent No. 06 herein.

4. Learned counsel appearing on behalf of the petitioner submits that the RERA based on the complaint made by the respondent No. 6 has passed the order dated 06.08.2024 in the Case No. RERA/CC/729/2021 which has been challenged before the Real Estate Appellate Authority *vide* REAT Case (Token No. 67 of 2024). That during the pendency of the appeal, the respondent-RERA has passed the impugned orders dated 14.10.2025 & 26.08.2025 (Annexure-P/1 & P/2). Learned counsel submits that the respondent No. 6 even going by his own case is entitled to approximately 5000 sq. ft. That even if



the authority decides the question as to whether the petitioner is entitled for carpet area or the building area, then also the respondent No. 6 would be entitled at a maximum area of approximately 5000 sq. ft. only and not more than that. Learned counsel submits that in case the authority comes to the conclusion that the respondent No. 6 is entitled to the constructed built up area as per the terms and conditions of the development agreement then the respondent No. 6 in his individual capacity would be entitled to approximately 5948 sq. ft only. Learned counsel submits that the RERA without taking the same into consideration has passed the interim orders granting blanket stay of registrations in respect of all the flats constructed by the petitioner. Learned counsel submits that the petitioner has constructed more than 1000 flats and in case the petitioner is not allowed to register the flats in favour of the prospective buyers, the petitioner would be put to great and irreparable hardship and it would not only involve financial loss to the petitioner but also put the prospective buyers to a great distress. Learned counsel submits that the petitioner is willing to safeguard the interest of the petitioner and set apart approximately area of 5948 sq. ft. of built up area i.e., the Flats Nos. 708, 101, 704 & 706, the details of the said Flats are



mentioned as below;

Flat No.	Floor	Block	Area
708	7 th Floor	1	1430 Sq. Ft.
101	1 st Floor	2	1430 Sq. Ft.
704	7 th Floor	3	1455 Sq. Ft.
706	7 th Floor	3	1633 Sq. Ft.

Total Area of 5948 sq. ft.

5. Learned counsel prays that the impugned orders passed by the RERA authority may be modified accordingly and the petitioner permitted to register the flats in favor of the prospective buyers except the above flats.

6. *Per contra*, the learned counsel appearing on behalf of the respondent No. 6 has vehemently opposed the very maintainability of the present writ petition. Learned counsel has stated that the petitioner has approached this Hon’ble Court with unclean hands. That as a matter of fact, the petitioner without following the rules and guidelines issued by the RERA authority has been misleading this Hon’ble Court. Learned counsel has stated that the petitioner instead of complying with the orders of the RERA Court has straightaway approached this Hon’ble Court. Learned counsel has stated that the petitioner is obligated to file the completion certificate as per proviso to Section 17 of the RERA Act.

7. A perusal of the complaint made by the respondent



No. 6 before the RERA reveals that the respondent No. 6 even as per his own case along with his three brothers is entitled to 45% of the flats floor wise built up area admeasuring 20574.14 sq. ft. based on FAR 2.6572 which roughly translates to about 5000 odd sq. ft. of built up area in favor of the respondent No. 6 herein in his individual capacity. This Court duly taking into consideration the undertaking given by the petitioner that he will set apart the above mentioned flats which roughly translates to 5948 sq. ft., is of the considered opinion that the interest of the respondent No. 6 is adequately safeguarded and modifies the order passed by the RERA (Annexure-P/1 & P/2) and accordingly the stay of alienation and registration granted by the RERA Authority over the flats constructed by the petitioner is modified and the petitioner is entitled to register the flats constructed by him except the above mentioned four flats i.e., Flat Nos. 708, 101, 704 & 706.

8. It is made clear that this Court has not gone into the merits of the case and has passed the order as per the pleadings set out by both the parties. This Court is leaving all the issues and grounds raised by the respondent No. 6 to be decided by the RERA Authority. The question as to whether the Respondent No. 6 is entitled to the built up area or carpet area is



also left open to be decided by the RERA Authority.

9. With the above direction, the present writ petition stands disposed of.

(A. Abhishek Reddy, J)

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