

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.18781 OF 2017
(Arising out of SLP(Civil) No.35919 of 2016)

BIHAR STATE HOUSING BOARD AND ORS. . . . APPELLANT(S)

VS.

DHRUB PRASAD & ORS. . . . RESPONDENT(S)

WITH

CIVIL APPEAL NO.18782 OF 2017
(Arising out of SLP(Civil) No.6268 of 2017)

O R D E R

Leave granted.

We have heard the learned counsel for the parties and perused the impugned judgment and order dated 16th May,2016 passed by the Patna High Court in Letters Patent Appeal No.98 of 2016 arising out of Civil Writ Jurisdiction Case No.7726 of 2011.

The facts which are not in dispute are that plot No.DS-24/L in Lohia Nagar, Patna which was situated in a colony to be developed by the Bihar State Housing Board had been earmarked for shops and other commercial purposes. Respondent No.1 herein made an application for change of user of the said plot for running a petrol pump over the land in question.

We are not referring to the discussions which took place between respondent No.1 and the officers of the Bihar State Housing Board that may affect the either of the parties. Suffice it to mention that respondent No.1 approached the District Magistrate/Collector to grant licence to run the petrol pump which was granted and started running of petrol pump and service station of Bharat Petroleum Corporation Limited. Subsequently, it appears that the grant of 'No Objection Certificate' for change of user was rejected by the Managing Director twice which is being disputed by the learned counsel appearing for the respondents herein.

Without going into that question, we deem it fit and proper and in the interest of justice to direct respondent No.1 to approach the Chief Secretary of the Bihar State Government with the representation giving all the facts and the investment made by him for considering the question for grant of 'No Objection Certificate' regarding change of user.

If such a representation is filed, the same shall be decided expeditiously, preferably within a period of three months without being influenced by any observation made by the learned Single Judge or the Division Bench of the High Court.

The civil appeals are disposed of in the above terms.

.....J.
[R.K.AGRAWAL]

.....J.
[ABHAY MANOHAR SAPRE]

New Delhi;
November 15, 2017.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 35919/2016

(Arising out of impugned final judgment and order dated 16-05-2016 in LPA No. 98/2016 16-05-2016 in CWJC No. 7726/2011 passed by the High Court Of Judicature At Patna)

BIHAR STATE HOUSING BOARD & ORS.

Petitioner(s)

VERSUS

DHRUB PRASAD . & ORS.

Respondent(s)

(and IA No.109987/2017-EXEMPTION FROM FILING O.T.)

WITH

SLP(C) No. 6268/2017

Date : 15-11-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.K. AGRAWAL
HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Petitioner(s) Mr. Makrand D.Adkar,Adv.
Mr. Braj Kishore Mishra,Adv.
Ms. Aparna Jha,Adv.
Mr. Vijay Kumar,Adv.
Mr. Abhishek Yadav,Adv.

Mr. V.Giri,Sr.Adv.
Ms. Punam Kumari, AOR

For Respondent(s) Mr. Makrand D.Adkar,Adv.
Mr. Braj Kishore Mishra,Adv.
Ms. Aparna Jha,Adv.
Mr. Vijay Kumar,Adv.
Mr. Abhishek Yadav,Adv.

Mr. V.Giri,Sr.Adv.
Ms. Punam Kumari, AOR

Mr. M. Shoeb Alam, AOR
Mr. Ujjwal Singh,Adv.
Mr. Mojahid Karim Khan,Adv.

Mr. Gopal Singh, AOR
Mr. Manish Kumar, Adv

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeals are disposed of in terms of the signed order.

Pending application stands disposed of.

(ANITA MALHOTRA)
COURT MASTER

(CHANDER BALA)
COURT MASTER

(Signed order is placed on the file.)