



IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6242 of 2026

1. Sahil Kumar Singh, Son of Late Virendra Kumar Singh, Residents of Mustafapur, P.S. and P.O. Khagaul, Danapur, District - Patna-801105
2. Anup Kumar, Son of Late Virendra Kumar Singh, Residents of Mustafapur, P.S. and P.O. Khagaul, Danapur, District - Patna - 801105
3. Rupa Devi Wife of Late Rajat Kumar Residents of Mustafapur, P.S. and P.O. Khagaul, Danapur, District - Patna - 801105

... .. Petitioner/s

Versus

1. Real Estate Regulatory Authority, Bihar, Through its Secretary, 6th Floor, Bihar State Building Construction Corporation Campus, Rajbanshi Nagar, Patna 801103, Bihar. E-mail rerabihar@gmail.com
2. M/s Sri Anuanand Constructions Pvt. Ltd., through its Director, Mr. Bimal Kumar, Address Kumar Tower, 1st Floor, Boring Road, P.S. - S.K. District Patna 800001, Bihar. Mobile No. 7371900001. E-mail - hr.aacpl@gmail.com
3. M/s Surya Nest Build Ltd., through its Director Mr. Tarun Kumar, S/o - Late Jagdish Prasad Singh, Address Nutan Tower, Kankarbagh, Patna 800020, Bihar.
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... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pratik Sinha,
Mr. Nivedita Chaudhary, Advocates.
For the RERA : Mr. Jainendra Kumar, Adv.
Mr. Ojaswi Ishani, Adv.
For the Respondent/s : Mr. Ajay, GA-5

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

5 06-05-2026 Heard Mr. Pratik Sinha, learned counsel for the
petitioners duly assisted by Ms. Nivedita Chaudhary, learned
counsel, Mr. Jainendra Kumar, learned counsel appearing for





RERA and Mr. Ajay, learned counsel for the Respondents.

2. The present petition has been preferred for the following relief(s):-

“(i) For the issuance of a writ in the nature of Certiorari, or any other appropriate writ, order, or direction, for quashing the impugned order dated 27.08.2025 passed by the, Special Presiding Officer, Real Estate Regulatory Authority, Bihar (hereinafter referred to as "RERA"), in RERA/CC-219/2023 and other analogous cases, whereby the Authority has stayed the construction and transfer of title (on the subject land of Petitioners bearing Plot No. 438, Khata No. 180 Area -27 Decimal, at Khagaul, Patna), by the new promoter Sri Tarun Kumar, Director of M/s Surya Nest Build Ltd. has been stayed till further order, though the land in question is not a part of the litigation in question before RERA Bihar and the erstwhile promoter has given undertaking to compensate the stakeholder,





if any. And the interim order of stay is/will affecting (affect) a large number of buyers of the "Surya Signature Project, as well as the huge financial loss to the petitioner.

(ii) For the issuance of a writ in the nature of Mandamus, or any other appropriate writ, order, or direction, declaring the registration of the project 'Capital Centre (granted on 06.12.2018) as void ab initio and non-est in the eyes of the law, having been obtained through misrepresentation and without a validly sanctioned plan from the competent authority;

(iii) For the issuance of a writ in the nature of Mandamus, or any other appropriate writ, order, or direction, directing the RERA Authority (Respondent No. 1) to discharge the Petitioners and Respondent No. 3 from the ongoing RERA proceedings, on the ground of lack of privity of contract with the home buyers of





Respondent No. 2,

(iv) For a further direction to the Respondent No. 1 RERA Authority to allow the Petitioners and Respondent No. 3 to proceed with the construction and development of their project without any interference arising from the invalid and illegal registration of Respondent No. 2's project;

(v) For the issuance of an ad-interim order staying the operation and effect of the impugned order dated 27.08.2025 during the pendency of this writ petition, so as to allow the construction of Respondent No. 3's (M/s Surya Nest Build Ltd.) project to proceed in the larger interest of several innocent home buyers and the Petitioners as well as the developer (M/s Surya Nest Build Ltd.);

(vi) For any other relief or reliefs as your Lordships may deem fit and proper in the interest of justice and equity.”





FACTUAL MATRIX

3. The factual matrix of the present case concerns the Petitioners' absolute ownership of 27 decimals of land in Plot No. 438, Khata No. 180, located at Village Mustafapur, Danapur/Khagaul, Patna (the "Subject Land"), which was illegally entangled in a defunct real estate project. The dispute originated when Respondent No. 2 (M/s Sri Anuanand Constructions Pvt. Ltd.) obtained a RERA Registration Certificate on 06.12.2018 (Registration No. BRERAP00393-2/87/R-279/2018) for a project titled "Capital Centre" (Annexure-P/2), which included Plot No. 438 despite the concerned Respondent having no title, interest, or development rights at that time. This registration was granted by the RERA Authority (Respondent No. 1) in blatant violation of Section 4 of the Real Estate (Regulation and Development) Act, 2016 (in short 'RERA Act', which mandates the verification of legal title and validly sanctioned plans. Under compulsion due to the land being a "block land" with access issues, the Petitioners eventually executed a Development Agreement on 29.04.2019 while registration certificate by RERA was granted on 06.12.2018. However, RERA's role was compromised from the start; the Authority registered the project conditionally without





mandatory Environmental Clearance (EC), extending this liberty in March 2019 without legal justification, thereby failing its duty under Section 5 of RERA Act to ensure compliance before granting registration.

4. The integrity of the project's legal standing further collapsed regarding the sanctioned maps, which were initially approved under the name "SAI CITY" (later "Capital Centre") by Nagar Parishad Khagaul vide Plan Case No. 09/16-17 on 28.06.2016. These plans were later discovered to be invalid as the land fell within the territorial jurisdiction of the Patna Mahanagar Area Authority, not the Nagar Parishad. An RTI response dated 17.11.2025 from Nagar Parishad Khagaul (Annexure-P/3) formally admitted the maps were approved without legal authority. Following an inquiry by a Three-Member Committee, which submitted its report on 04.12.2025 (Annexure-P/4 and P/5) recommending cancellation and departmental action against the then Executive Officer, the Competent Authority officially cancelled the project maps on 09.12.2025 (Annexure-P/4). Meanwhile, due to Respondent No. 2's failure to progress the development for over three years submitting its last quarterly report only for the period ending 20.06.2022, the Petitioners exercised their right under the





development agreement to rescind the agreement entered with Respondent No.2. This resulted in a registered Deed of Cancellation dated 20.12.2022 (Annexure-P/6), which effectively severed all ties between the Subject Land and the defunct "Capital Centre" project.

5. Following the cancellation, the Petitioners entered into a fresh development arrangement with Respondent No. 3 (M/s Surya Nest Build Ltd.) via a registered agreement on 08.02.2023 for the "Surya Signature" project. While this new construction was progressing, homebuyers from the original defunct project-initiated complaints, leading the RERA Authority to pass an impugned order on 27.08.2025 in RERA/CC-219/2023 and analogous cases (Annexure-P/1). This order arbitrarily stayed construction and the transfer of title on the Petitioners' Plot No. 438, despite the land no longer being part of the "Capital Centre" litigation. The Petitioners argue that this stay is a violation of the principles of Natural Justice (*audi alteram partem*) as they were not heard, and it constitutes a "colorable exercise of power" by RERA to mask its own initial failure to verify documents under Section 4 of the RERA Act. The stay on the Petitioners' 27 decimals has effectively paralyzed the entire "Block A" of Respondent No. 3's project which spans 627 decimals because the building shares a unified





foundation and structural frame.

6. Legally, the Petitioners contend that the original RERA registration was void ab initio and a legal nullity obtained through misrepresentation, which RERA should have revoked under Section 7 of the RERA Act. They rely on the settled principle from *Vishnu Vardhan v. State of U.P. (2025 SCC OnLine SC 1501)* that "fraud vitiates everything" and the Bombay High Court's ruling in *M/s K.K. Vidyut v. Union of India WP (L) No. 35600 of 2024* that fraud is an irremediable breach. Furthermore, Respondent No. 2 has admitted its inability to complete the project and offered to refund homebuyers, effectively converting the dispute into a monetary claim under Section 18 of the RERA Act. Citing *Dalpat Kumar v. Prahlad Singh (1992) 1 SCC 719*, the Petitioners argue that the balance of convenience lies with them, as staying a multi-crore project involving only 4% of the land area causes irreparable injury to innocent home buyers of Respondent No. 3. Ultimately, the Petitioners assert that the RERA stay lacks the "authority of law" required under Article 300A of the Constitution, as it is founded upon an unauthorized registration and a rescinded agreement, thereby constituting an unconstitutional deprivation of their right to property.





7. Evidently, the petitioners were initially approached by the Respondent No.2, M/s Sri Anuanand Constructions Pvt. Ltd. with a proposal to integrate the subject land into a real estate development project titled 'Capital Centre' and because of certain jurisdictional issues which was subsequently, busted out wherein the sanction of the project was called in question and ultimately through a Committee constituted, the same was cancelled and since the project could not be completed within the time so stipulated, mutually the development agreement which was signed by the petitioner with Respondent No.2, M/s Sri Anuanand Constructions Pvt. Ltd. has been rescinded and fresh development agreement is said to have been arrived with Respondent No.3, Rupa Devi and even the project in the name of 'Surya Signature' has been sanctioned by Patna Metropolitan Area Authority, which granted approval of the revised map as against the registered development agreement *vide* Registered Deed No. 985 dated 08.02.2023, which would be apparent from Letter No. 653 dated 27.05.2025 issued under signature of the Superintending Engineer of the Authority.

8. This matter was heard on 24.04.2026 and the challenge having been made with regard to the interim order by which the entire project of 'Surya Signature' in which the





petitioners' plot is also a part of sanctioned map is said to have been stalled by RERA Authority on the complaints made by the prospective buyers of Respondent No.2, M/s Sri Anuanand Constructions Pvt. Ltd, ignoring the fact that the stay over the Petitioners' 27 decimals has effectively paralyzed the entire "Block A" of Respondent No. 3's project which spans 627 decimals because the building shares a unified foundation and structural frame, this Court had directed the learned counsel representing the RERA Authority to take instruction with regard to the manner in which they proposed to protect the interest of the prospective home buyers, by keeping the project stalled under the interim orders, which is said to have been passed by the original authorities vide its order dated 27.08.2025 on the subject land of the petitioner and till date no further hearing has taken place in the matter by showing such callous approach in dealing with the sensitive matter, while the RERA has to take a very pragmatic approach in these issues, which would invite penal action against the promoter or others connected with the project including home-buyers.

9. In response to the query made by this Court *vide* order dated 24.04.2026, learned counsel for the RERA authorities is said to have filed a counter affidavit and has relied





upon paragraphs-14, 16 and 17 which are reproduced hereunder:-

“14 That, it is pertinent to submit that the Registration Certificate issued for the project expressly incorporates and reflects all the Khata and Plot numbers as detailed in the foregoing paragraphs as well as in the Development Agreement. It is further submitted that the RERA, upon due consideration of the application and after conducting proper scrutiny and verification in strict compliance with the mandate and rigor of Section 4 of the Real Estate (Regulation and Development) Act, 2016, granted registration to Respondent No. 2, namely M/s Anuanand Private Limited, for its project "Capital Centre." The said project was duly registered on 06.12.2018, bearing Registration No. BRERAP00393-2/287/R-297/2018, 16.

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16. That, in clear contravention of





Section 15 of the Real Estate (Regulation and Development) Act, 2016 (RERA), the Petitioner who is also the Landowner and a Promoter in accordance with Regulation 6 of the Bihar Real Estate Regulatory Authority (General) Regulation, 2024 without obtaining the prior consent of at least two-thirds of the allottees, executed a Deed of Cancellation of Development Agreement bearing Token No. 20210/2022 dated 20.12.2022 with the Respondent No. 2, M/s Sri Anuanand Construction Pvt. Ltd purportedly cancelling the earlier Development Agreement bearing Token No. 6041/2019. Prima facie, the Petitioner along with the Respondent No. 2, M/s Sri Anuanand Construction Pvt. Ltd is also guilty of contravention of Section 15 of the Act knowing very well that any such move would be detrimental to the interests of the homebuyers of the project "Capital Centre".

17. It is most respectfully





submitted before this Hon'ble Court that the Development Agreement that was duly submitted to RERA for the registration of the project "Capital Centre" was executed in the year 2013, which continues to hold the field as the Development Agreement of 2019 was cancelled through the aforesaid Deed of Cancellation and was never disclosed or submitted before the RERA Authority. It appears that the Petitioner is guilty of misleading the Hon'ble Court on account of presenting the facts related to cancellation of a Development Agreement of 2019 as a false premise of the instant case, that would amount to concealment of facts on one hand and perpetration of fraud on the Authority on the count of non-disclosure of fact related to entering into a new agreement for the same parcel of land and its subsequent cancellation on the other.”

10. From perusal of the statements made in the aforesaid paragraphs of the counter affidavit, the procedures





which have been incorporated in the legislation under Section 31, and 35 of the Real Estate (Regulation and Development) Act, 2016, (for short 'the Act, 2016) the authorities are duty bound to entertain the complaint once it is made by the aggrieved parties or even such issues can *suo motu* be gone into by them and for arriving to a just conclusion, the authorities have the power to call upon any promoter or allottee or the real estate agent to seek all such informations or explanations relating to its affairs, which the authorities may require or even they have the power to call upon one or more persons to make an inquiry in relation to the affairs of any promoter or allottee or the real estate agent, as the case may be, but before exercising the powers as stipulated under Section 36 of the 'RERA Act, 2016' and passing the order impugned, it is evident that no such statutory exercise is said to have been carried out and straightway the interim order stalling the entire projects of 'Surya Signature' has been directed in which the petitioners' property forms part of the said project and it is their case that merely because the property in question, apart from the other properties, which formed part of the projects of Respondent No. 2 (M/s Sri Anuanand Constructions Pvt. Ltd.), though the said project namely 'Capital Centre' has already been rescinded





followed with registration by RERA having also been cancelled, there was no occasion before RERA Authority to have directed unilateral stay of project vide order impugned dated 27.08.2025, which admittedly affects the rights of the promoter and as also the land owner, who have not been heard before passing the order impugned, cannot be allowed to sustain insofar it relates to stay of the project.

11. Upon perusal of the materials on record and after going through the statutory scheme, there can be no denial that the original authorities of RERA do have the power to entertain the complaint made by the aggrieved parties and in order to arrive to a just conclusion, it has the power to call upon any promoter or allottee or real state agent for fetching of such necessary informations and as also the requisite explanation relating to its affairs, which power the authority of RERA is bestowed with in the interest of justice to protect the right of all the connected persons with the project, before taking any coercive measure under the statute but the manner in which the authorities are said to have passed the interim order staying the project in question, which is said to have been approved by the Patna Metropolitan Area Authority suffers from the vice of non application of mind and even the procedures prescribed for





issuing such orders have admittedly been deviated and such deviation by the authorities is indeed in the teeth of the judicial pronouncements made right since the Privy Council, which may be referred in the case of *Nazir Ahmad v. King Emperor* wherein it has been held ***“that where a power is given to do a certain thing in a certain way the thing must be done in that way or not at all. Other methods of performance are necessarily forbidden.”***

12. Similar view has also been taken by the three Judges Bench of Hon’ble Apex Court in the case of *Chandra Kishore Jha v. Mahavir Prasad & Ors* as reported in (1999) 8 SCC 266, which is as under:-

“17.....It is a well-settled salutary principle that if a statute provides for a thing to be done in a particular manner, then it has to be done in that manner and in no other manner. (See with advantage: Nazir Ahmad v. King Emperor MANU/PR/0119/1936: (1935-36) 63 IA 372 AIR 1936 PC 253 (11)], Rao Shiv Bahadur Singh v. State of V.P. MANU/SC/0053/1954: AIR 1954 SC 322 1954 SCR 1098), State of U.P. v. Singhara Singh [MANU/SC/0082/1963: AIR 1964 SC 358: (1964) 1 SCWR 57].) An election petition under the Rules could only have been presented in the open court up to 16-5-1995 till 4.15 pm (working hours of the Court) in the manner prescribed by Rule 6





(supra) either to the Judge or the Bench as the case may be to save the period of limitation. That, however, was not done....”

13. The said principle has further been followed by the Hon’ble Apex Court in the case of ***Cherukuri Mani v. Chief Secretary, Government of Andra Pradesh & Ors*** wherein the Hon’ble Apex court has held as under:-

“14. Where the law prescribes a thing to be done in a particular manner following a particular procedure, it shall be done in the same manner following the provisions of law, without deviating from the prescribed procedure.....”

14. The law is well settled that the procedures which have been prescribed in the statute that must be followed before taking any decision or for passing any order, which admittedly, has not been resorted, as such, this Court has no hesitation in interfering with such interim order to the extent, which stalls the entire project being in no way connected to the dispute in question with mutual cancellation of development agreement much less when an undertaking by the Respondent No.2 has already been put in place before the authority to protect the interest of the home buyers besides the rights of the promoters having found to be violated which is protected under Articles 19 & 21 of the Constitution of India.





15. The further flaws in the impugned order can be deduced from the materials available on record that the registration granted to Respondent No.2 was in violation of Section 4 of the 'RERA Act' in respect of the rescinded project being 'Capital Centre' and even principle of natural justice was not followed as the petitioners and Respondent No.3 were not given hearing at the time of passing the impugned order staying the project of Respondent No.3, which calls for an interference to deal with the rights being affected to the parties connected with the project in question.

16. Accordingly, the order dated 27.08.2025 passed by the Special Presiding Officer, Real Estate Regulatory Authority, Bihar in RERA/CC-219/2023 is interfered to the extent whereunder the petitioners' land which forms part of the project of Respondent No.3/M/s Surya Nest Build Ltd, having been approved by the Patna Metropolitan Area Authority through fresh development agreement in the name of 'Surya Signature' Project, has been stayed without any plausible reason, which is in violation of the dictum of Hon'ble Apex Court wherein it has been held that the orders affecting the rights of the parties must be based on sound reasoning as they are treated to be heart and soul of any decision, which





apparently is absent from the impugned order, is accordingly, modified to the extent by directing the authorities not to create any impediment in allowing the 'Surya Signature' project to proceed in accordance with law, further the initiatives so taken by the RERA authorities, on the complaints of aggrieved home-buyers to protect their interest, is not being interfered, and the proceedings which is said to have been initiated on the complaint filed under Section 31 of 'the Act, 2016' will continue and these petitioners and the other respondents are directed to appear in terms of the directions issued by the original authorities of RERA in the pending proceedings being RERA/CC-219/2023, and the parties connected with the issues would be at liberty to file their respective responses, which the authority will take appropriate decisions to protect the rights of home-buyers in accordance with law, who is equipped with all the powers of the Civil Court.

17. The writ petition stands disposed of with the observations and directions made above.

(Ajit Kumar, J)

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