IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.939 of 2026

CNR No. BRHC010424142026

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Anil Singh, son of Lakhan Singh Resident of village- Kurji, Balupath, Ps-Digha, Patna

... ... Petitioner/s

Versus

1. The State of Bihar through the Chairman, Real Estate Regulatory Authority, 4th/6th Floor, Bihar State Building Construction Corporation Campus, Hospital Road, Shastri Nagar, Patna - 800023
2. M/S Jaidev Green Homes Pvt. through its Directors, registered address - Jai Mahavir Colony, Sandalpur, Near Devi Sthan, Bahadurpur, Mahendru, Patna 800006.
3. Kumar Saurabh (Former Director of M/s Jaidev Green Homes Pvt. Ltd.) Son of Nand Kishore Singh Resident of -West Lohanipur, near Kathpul, P.S. - Kadamkuan, Patna - 800003
4. Dr. Rekha Singh wife of Shok Haran Singh Resident of MIG-236, Lohia Nagar, Near Malahi Pakri Chowk, P.S.-Kankarbagh, District- Patna - 800020

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Mohan Singh, Advocate

For the Respondent/s : Mr. Jainandra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

2 02-11-2026 Heard the learned counsel for the parties.

2. The petitioner is aggrieved by the fact that despite his repeated request, the Real Estate Regulatory Authority (hereinafter referred to as ‘the RERA’), Bihar, has not filed an FIR on account of the fact that the respondent Nos.2 and 3 have

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played fraud with the RERA by filing fabricated documents and also presenting material facts and also by filing false affidavits before the RERA in connivance with the other directors of the company.

3. Learned counsel for the petitioner submits that the petitioner has filed numerous representations before the RERA, Bihar, to lodge an FIR against the respondent Nos. 2 and 3 herein, who have committed fraud, however, despite his repeated request, no FIR has been lodged and therefore, he approached this Court by way of the present petition.

4. Having heard the learned counsel for the petitioner, this Court finds that the present writ application is completely misconceived, as the prayer made herein is with regard to a direction to a regulatory body to lodge an FIR for filing of false documents and suppressing of material facts before the said authority. This Court finds that the present petition suffers from infirmity inasmuch as it is the petitioner who is adversely affected on account of the order passed by the RERA, Bihar, on 10.10.2025, passed on the basis of alleged fraud and cheating committed by the respondent Nos. 2 and 3.

5. At this juncture, the learned counsel for the petitioner admits that he has not approached the authorities in

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lodging the FIR himself against the respondent No.2 and 3 for producing forged and fabricated documents before the RERA, Bihar and thereby have cheated the petitioner also. On specific query having been put to the learned counsel for the petitioner that as to whether he has approached the RERA, Bihar, for setting aside the order dated 10.10.2025, which has stood to have been passed on forged and fabricated documents, it has been informed that the petitioner has filed an appeal against the aforesaid order dated 10.10.2025 before the Appellate Tribunal.

6. This Court fails to understand as to how an Appellate Court would inquire into the matter of fraud having been committed before the RERA, Bihar, which is the prerogative of the Bench at RERA, Bihar. It is a settled principle of law that the Court where in fraud has been committed and wherefrom order has been procurred by filing fabricated documents, is the competent Court to inquire into the matter and if it finds that indeed a fraud has been committed, then a complaint could be filed against the erring persons.

7. The Appellate Tribunal may also direct for an inquiry and further action, pursuant thereto, however, such inquiry has to be conducted by the Court before whom the fraud was committed.

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8. The prayer made in the present writ petition is for directing the RERA, Bihar, to institute an F.I.R. against respondent Nos. 2 and 3 which cannot be permitted for the reason that an F.I.R. or a complaint before a Court can only be filed when the Court/authority which has passed the order enquires into the allegations levelled by the petitioner and only after being satisfied that a fraud has been committed and forged documents have been filed before it, then only steps for instituting criminal proceedings could be taken.

9. The petitioner has admittedly not moved the Bench of RERA, Bihar, for conducting an inquiry for the alleged fraud rather has written for lodging of an F.I.R. against Respondent Nos. 2 & 3 based on his allegation, which is impermissible in law.

10. The response of RERA, Bihar, through letter dated 08.01.2026 (Annexure- P/8) to the effect that appropriate action be taken at the level of the petitioner is completely in tune to the settled law. The petitioner is competent enough to initiate a proceeding on his own as the said order dated 10.10.2025 passed by chairman, RERA, Bihar, has an adverse impact on him and he too is an affected party.

11. In view of the observations made herein above,

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the present writ petition is held to be misconceived and thus is dismissed.

(Sourendra Pandey, J)

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