

GAHC010108442016



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1587/2016

BIKASH PARASHAR
S/O LT. LAKSHMIDHAR SARMA R/O SIRIS TOL, NEAR L.P. SCHOOL, P.O.
HENGRABARI, P.S. DISPUR, GUWAHATI-781036, KAMRUP M, ASSAM.

VERSUS

THE ASSAM STATE HOUSING BOARD and ANR.
REP. BY ITS COMMISSIONER, R.G. BARUAH ROAD, GUWAHATI- 781005.

2:THE CHAIRMAN

THE ASSAM STATE HOUSING BOARD
R.G. BARUAH ROAD
GUWAHATI- 781005

Advocate for the Petitioner : MR.R J SARMA, MR.R DE

Advocate for the Respondent : MR.C GOSWAMI R-1, MR. T R GOGOI, SC ASHB,MR.D
HAZARIKA(R-1)

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 16.08.2024

Heard Ms. D. Pathak, learned counsel for the petitioner. Also heard Mr. T. R. Gogoi, learned Standing Counsel for the Assam State Housing Board.

The grievance raised in the present proceeding by the petitioner pertains to the deprivation meted out to him in not allotting to him a suitable flat by the respondent (ASHB) in spite of submission of application complete in all respects.

It is the case of the petitioner, herein, that in the month of March, 2007, he has applied for allotment of a plot/tenement from the respondent ASHB. However, no such allotment came to be made in his favour, till 2012 and accordingly, on 01.12.2012, he submitted a fresh application.

During the pendency of the said application, it is submitted that the allotments of the flats as were available at that relevant point of time were completed and the petitioner, herein, was again asked to submit a fresh application. Although the petitioner, in the writ petition has named certain persons who were favoured with such allotment in spite of the fact that they had applied after the date of application made by the petitioner in the matter, however the petitioner had claimed no relief against such persons and they were also not arrayed as respondents in the matter.

The respondents have filed an affidavit and therein, have contended that in terms of the directions passed by this Court vide the order dated 11.06.2018 in WP(C)/2479/2018, requiring the Board to formulate a policy guideline for allotment of flats as available under it, the Board had on 03.08.2022

formulated a guideline for allotment of flat under Rental Housing Scheme. In terms of the provisions of the said policy guideline, now brought into operation in terms of the directions passed by this Court, all old pending application forms for allotment of flats under Rental Housing Scheme shall not be taken into consideration and interested applicants shall have to apply afresh, as and when such advertisements are issued.

The said guidelines also prescribes that allotment of the flats from amongst the applications received, shall be so made by draw of lots by the Commissioner, ASHB or any officer authorized by him on his behalf, which draw of lots shall be done separately for different category of flats under the Rental Housing Scheme.

The learned counsel for the respondents has submitted, on instructions that at present there exists no vacant flat, inasmuch as, no new constructions are under way.

In view of the above position and admittedly, the application submitted in the matter by the petitioner having lost its force, in view of the guidelines so framed in pursuance to the directions passed by this Court, in the present proceeding, this Court is not in a position to direct the respondent Board to allot a suitable flat to the petitioner, herein.

Accordingly, considering the guidelines now brought on record, regulating the manner in which allotment of flats would be so done by the respondent Board, the petitioner, herein, is directed to submit an application before the respondent no. 2 in proper format with all requisite particulars and fees, if any, staking a claim for being allotting such flat.

As and when flats become available under the respondent Board and a move is made to allot the same, the application of the petitioner shall be given

a due consideration, strictly, in accordance with the guidelines coming into force vide the notification dated 03.08.2021.

It is provided that the petitioner shall be required to submit applications category wise, if he is claiming flats of different categories under the Rental Housing Scheme.

With the above observations and directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant