

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.134 of 2014**

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Manjushree, W/O Dilip Kumar, resident of Ghandhi Nagar, Kamla Bhawan, P.S.-  
K. Hat, District- Purnea.

.... .... Petitioner/s

Versus

1. The Bihar State Housing Board, through its Managing Director, having his Office at 6 Mangles Road, Police Station- Sachivalya, District- Patna.
2. The Revenue Office, Bihar State Housing Board having his Office at 6 Mangles Road, Police Station- Sachivalaya, District- Patna.
3. The Manager, Estate, Bihar State Housing Board, having his Office at 6 Mangles Road, Police Station- Sachivalaya, District- Patna.
4. The Executive Engineer, Patna Division- 2, Bihar State Housing Board having his Office at Bhootnath Road, Bahadurpur, Police Station- Agamkuan, District Patna.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Vikas Mohan

For the Respondent/s : Mr. Rabindra Kumar Priyadarshi

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**

**ORAL JUDGMENT**

**Date: 01-07-2015**

Heard Mr. Vikas Mohan, learned counsel appearing  
for the petitioner and Mr. Rabindra Kumar Priyadarshi, learned  
counsel appearing for the Bihar State Housing Board.

The petitioner prays for issuance of a writ in the nature  
of mandamus to direct the authorities of the Bihar State Housing  
Board to get the HIG Flat No.7H.F2/15 situated at Bahadurpur  
Housing colony vacated from the illegal occupation of a person by  
the name of Surendra Kumar.

Prima-facie in my opinion, this writ petition is not fit  
to be entertained for the petitioner has woken up after a deep



slumber of more than 25 years. Whereas it is the case of the petitioner that she was allotted HIG Flat No.7H.F2/15 on 17.3.1990 and following which she made deposit of Rs.30,000/- on 4.10.1990 and Rs.1,20,000/- but neither the possession of the flat has been handed over to the petitioner nor any agreement has been executed and on the contrary it is in illegal occupation of a 3<sup>rd</sup> person.

A counter affidavit has been filed on behalf of the Housing Board and which by itself is sufficient to dismiss the writ petition. While admitting to the allotment in favour of the petitioner on 17.3.1990 it is stated that the petitioner filed an application on 24.3.1990 with a prayer to grant two and half months time for making the payment and which was allowed by the Board as communicated vide letter dated 16.7.1990. It is stated that allotment letter was issued on 2.6.1992 which provided in Clause-3 a tentative cost at Rs.2,81,143/- as on 31.3.1992, a copy of which is present at Annexure-10 to the writ petition. Clause 4 and 5 of the allotment letter reflects that as against the estimated cost of the flat of Rs.2,81,143/- the petitioner had made a deposit of Rs.1,20,000/- leaving the balance of Rs.1,61,143. A further sum of Rs.1,05,200/- was to be deposited against the documentation charge etc. and the balance amount of Rs.1,61,143/- was to be deposited in 84 monthly instalments at the rate of Rs.3,269.85. An agreement was to be



executed after deposit of Rs.1,05,200/-. Clause 5 of the order provides that if the required amount is not deposited within the stipulated period and the agreement is not executed, the allotment would stand cancelled. It is further the stand of the Board that two letters dated 5.8.1995 and 1.3.1996 were issued to the petitioner requiring her to deposit the required amount but was not responded to. Again a letter bearing no.666/AA dated 3.3.1998 was issued to the petitioner whereby the allotment was cancelled. The petitioner thereafter filed a representation before the Minister who required its consideration by the Board and following which a letter bearing no.5672 dated 11.2.1999 was issued directing the petitioner to deposit Rs.7,33,498/- by 30.6.1999 which direction again was not complied by the petitioner. It is mentioned that in the year 2010 vide letter bearing no.3011 dated 21.4.2010 the petitioner was asked to deposit Rs.32,60,968/- since the cost had escalated by passage of time but again the petitioner did not respond. It is thus submitted that since the allotment stands cancelled and despite the indulgence given to the petitioner, she has not availed the same, she cannot raise any grievance.

In respect of illegal occupation of the flat it is stated that an eviction proceeding bearing Eviction Suit No.31 of 2014 has been initiated for the purpose.



Considering the circumstances discussed, it is apparent that not only the grievance raised by the writ petitioner suffers from the vice of gross laches and delay and the petitioner has slept over the matter for more than two decades but even otherwise, considering the nature of indulgence given by the Board on its own as well as on the advisory of the Minister in 1999 as well as in 2010, which the petitioner did not choose to respond, I am convinced that the petitioner is not entitled to the relief prayed and for the reasons aforementioned this writ petition is dismissed.

Let the amount so deposited by the petitioner be refunded along with simple bank interest payable from the date of its deposit until the date of payment within a period of three months from the date of receipt/production of a copy of this order.

**(Jyoti Saran, J)**

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