

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2116 of 2004

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Kumar Sitiesh Prasun son of Mukti Prasad, resident of M-3-35 S.K.Puri, PS-S.K.Puri, District-Patna.

.... Petitioner/s

Versus

1. P.R.D.A. through its Vice-Chairman, Maurya Lok, Patna,-800001.
2. The Vice-Chairman, P.R.D.A, Maurya Lok, Patna,-800001.

..... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s : Mr. Sanjay Prakash Verma

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 22-04-2015

No one appears on behalf of the petitioner. The counsel for the Municipal Corporation is present.

From the pleading of the parties it emerges that the prayer has been made by the writ petitioner for quashing the order dated 16.01.2004 passed in Eviction Case No. 3 of 2000 by which the Vice-Chairman of the Patna Regional Development Authority, Respondent No. 2 has passed the order of eviction from the house No. M-3/35 situated at S.K. Puri, District-Patna which was allotted to the petitioner on hire purchase basis vide letter No. 2199 dated 27.06.1998.

It appears that the petitioner being a Private Secretary to the Minister of Urban Development, Government of Bihar was allotted a house in question i.e. M-3/35 vide Office Order No. 194/1995 in anticipation of the approval of the Board of Director of P.R.D.A. on a purely temporary basis with certain

conditions. In the order, it was specifically mentioned that the order will hold its effect till the petitioner continued as a Private Secretary to the Minister, so much so that the petitioner would not have any claim for settlement of the house in question on hire purchase basis.

On the application of the petitioner, the authority taking a lenient view in the matter, vide Resolution no. 24/97 dated 3.4.1997, offer was extended to the petitioner to purchase the house on hire purchase basis, accordingly, letter No. 2199 dated 27.06.1998 was issued in his favour and the decision was communicated to deposit Rs. 2,24,449/- within 30 days from the date of issuance of the letter.

In pursuance thereof, the petitioner filed an affidavit having no house in his name or in the name of his wife or his dependant but he did not comply the order within one month as instead of depositing the aforesaid amount, preferred to deposit Rs. 25,000/- by way of bank drafts on 13.08.1998 where it was found he did not comply the order and the allotment made in his favour was cancelled vide letter no. 5562 dated 8.6.2000 in the light of Resolution no. 14/2000 dated 5th May 2000, at the same time, the amount of Rs.25,000/- was returned to the defendant.

The petitioner filed a writ application vide CWJC No. 5713 of 2000 for quashing the letter of cancellation of

allotment and the same was withdrawn on the assurance that P.R.D.A. would consider the case of the petitioner.

It appears that no favourable order could have been passed in favour of the writ petitioner rather the eviction proceeding was initiated to vacate the premises in which the petitioner has appeared and taken all his defence which was considered and the impugned order has been passed against him to vacate the quarter and hand over the same.

It appears that the petitioner has not taken interest in the matter, so much so that on perusal of the order passed by the Vice-Chairman it appears that he has considered the case of the petitioner and the case of the then P.R.D.A., found that the allotment of quarter on hire purchase basis for an amount of Rs. 2,24,449/- was cancelled, as he did not comply the order within the time frame and it has also been held that because there was a condition attached to the allotment that the allotment will continue during the tenure of the Minister concerned and thereafter, he would not have any right to continue in the quarter.

In such view of the matter, the petitioner was given the quarter on account of the fact that he was a P.A. to the Minister and after the tenure of the Minister is over, he does not remain as a P.A. and for that, he was granted the quarter which completely makes his possession as an illegal.

An identical issue has been considered by this Court in CWJC No. 6181/1999 where the Court has considered and found that any person who has been allotted the quarter as being a P.A. to the Minister concerned, cannot continue in the quarter even after the person concerned is no longer a Minister, as the allotment of the quarter as a P.A. is co-terminus with the period of the Minister and this Court feels that order passed by the P.R.D.A., now the Patna Municipal Corporation cannot be said to be illegal and accordingly, this petition is dismissed.

(Shivaji Pandey, J)

Mahesh/-

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