

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18544 of 2010

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Ayodhya Pd. Choudhary S/O Late Ram Lakhan Chowdhary and husband of Chandrakanti Devi (deceased allottee) R/O Vill.- Shivaishingpur, P.S.- Mohiuddin Nagar, Distt.- Samastipur, at Present at New Colony Ulao, P.O.- Ulao, Distt.- Begusarai, Pin Code- 851134

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary Department of Housing, Govt. of Bihar, Patna
2. The Chairman, Bihar State Housing Board, 6th Mangles Road, Patna
3. The Managing Director, Bihar State Housing Board, 6th Mangles Road, Patna
4. The Manager, Estate Bihar State Housing Board, 6th Mangles Road, Patna
5. The Executive Engineer, Bihar State Housing Board, Patna Division No. 1, Lohiyanagar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. SKP Sinha, Advocate
For the Respondent No.1 : Mr. Karandeep Kumar, AC to GP4
For the Respondent Nos. 2 to 5 : Mr. Ram Kishore Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 12-02-2015

Heard the parties.

2. The petitioner has filed the present writ petition seeking a direction to the Bihar State Housing Board, Patna (in short “the Board”) and its functionaries to regularize the allotment of the petitioner of a flat in question by executing an agreement with respect to HIG Plot No. 4H/101, Bahadurpur and after accepting the payment of due amount give him the physical possession over the same.

3. A counter affidavit has been filed on behalf of the respondent nos. 2 to 5 wherein in paragraph 11 it has been stated that earlier 77 allotments made by the then Managing Director of the Board was found irregular and therefore, the Board in its meeting held on 14.09.2009 took a decision not to regularize the

allotment of those allottees including the petitioner. However, in paragraph 12, it has further been stated that taking into consideration the different instructions issued by the Housing Department, Government of Bihar, Patna as well as different orders passed by this Court from time to time it has been proposed to place the matter once again in the next meeting of the Board for taking appropriate fresh decision with respect to the claim of the petitioner besides others.

4. Learned counsel appearing on behalf of the Board submits that fresh final decision is likely to be taken within a period of four months.

5. After having heard the parties and taking into consideration the averments made in the counter affidavit, the present writ petition is finally disposed of with a direction to the respondent nos. 2 to 5 to consider the claim of the petitioner afresh in the light of the averments made in the counter affidavit and pass a final order within a maximum period of six months. It goes without saying that if the claim of the petitioner is accepted, then consequential action shall also be taken by the respondents concerned without any unnecessary further delay.

(Birendra Prasad Verma, J)

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