

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12158 of 2011

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Vijoy Sharan, son of late Dwarika Sharan, resident of 25 MIG,
Kankarbagh, Police Station Kankarbagh, district Patna At Present Resident
At Flat No.-404 Chandra Lok Apartment Near Doctor'S Colony
Kankarbagh, Police Station Kankarbah, Post office Lohia Nagar Patna-20

.... Petitioners

Versus

1. Bihar State Housing Board Patna Through Its Managing Director 6,
Mangles Road,Patna-1
 2. Chairman Bihar State Housing Board 6, Mangles Road,Patna-1
 3. The Estate Officer, Bihar State Housing Board Patna 6,Mangles Road
Patna-1
 4. The Manager Estate-Cum-L.A.O.(Prabandhak Bhusmpada Sah Apar
Sachiv), Bihar State Housing Board, Patna 6,Mangles Road, Patna.
 5. Competent Authority Bihar State Housing Board Patna-1
 6. Chief Engineer, Bihar State Housing Board Patna
 7. Executive Engineer Bihar State Housing Board Patna .. Respondents
- =====

Appearance :

For the Petitioners : Mr. Binod Kumar Labh, Advocate

For the Respondents : Mr. Anshuman Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

6 22-07-2015 Heard learned counsel for the parties.

The petitioner prays for directing the respondents
Bihar State Housing Board (herein after referred to as “the
Board”) to hand over possession of Plot no. 3RC-23 situated in
Bahadurpur which was allotted to him in the year 1984.

It is unfortunate that the petitioner has renewed this
prayer when the matter has already been settled vide order dated
24.2.1994, passed by the Division bench in C.W.J.C.No. 9820
of 1992 directing the Board to refund the entire amount
deposited by the petitioner within two months with interest at
the rate of 11% per annum. The Hon'ble Apex court however
reduced the rate of interest from 11% to 5% vide order dated

17.2.1997, passed in Civil Appeal No.1566-1567 of 1997(arising out of SLP© No. 26021-22 of 1995), Bihar State Housing Board and others Vs. Vijay Sharan and others.

Counter affidavit has been filed by the Board. In paragraph 9 of the counter affidavit the Board states that the petitioner refused to accept a cheque sent by it amounting to Rs.1,03,514.82 which included interest also.

Counsel for the petitioners submits that order of the Hon'ble Supreme court is of 1997 but the cheque issued by the Board was of 1996. Further stand is that the amount of interest (5%) becomes due from the date when it had been deposited with the Board.

Having considered the facts and circumstances of the case, I direct the Board to issue a fresh cheque in favour of the petitioner for the amount of Rs.1,03,514.82 within a period of four weeks which would be collected by the petitioners from the office of the Board.

In case, the petitioner finds that the interest is not been calculated correctly, he can file a representation before the Board for payment of such amount.

The writ petition thus stands disposed of.

(Samarendra Pratap Singh, J)

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