

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20537 of 2010

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Kamla Devi W/O Late Prafful Prasad Singh, Lig Flat No. 100/17, Lohia Nagar,
Kakerbagh, P.O.:Lohia Nagar, P.S.:Kankerbagh, Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Deptt. of Urban Development and Housing, Govt. of Bihar, Patna.
2. The Bihar State Housing Board through the Managing Director, 6 Mangles Road, Patna.
3. The Managing Director, Bihar State Housing Board, 6 Mangles Road, Patna.
4. The Manager Estate, Bihar State Housing Board, 6 Mangles Road, Patna.
5. The Revenue Officer, Bihar State Housing Board, 6 Mangles Road, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. N.D. Chaubey

For the Respondent No.1: Mr. Apurva Kumar, AC to GA-11

For the Respondent No. 2 to 5:Mr. Anshuman

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 24-03-2015

Heard the parties.

The petitioner has filed the present writ petition under Article 226 of the Constitution of India seeking a direction to the respondent Bihar State Housing Board and its functionaries to refund an amount of Rs. 2,23,204/-, which was allegedly wrongly charged from the petitioner by the respondent Board for allotment of a L.I.G. flat at Lohia Nagar, Patna.

A counter affidavit has been filed on behalf of the respondent Board wherein in paragraph-15 it has been stated that the nature of grievances raised on behalf of the petitioner in the present proceeding can be appropriately considered by the Pricing Committee of the respondent Board constituted pursuant to the order issued by this Court and upheld by the Hon'ble Apex Court.

In view of the nature of grievances raised on behalf of the petitioner in the present proceeding and in view of the averments made in the counter-affidavit filed on behalf of the respondent Board,

the present writ petition is disposed of with a liberty to the petitioner to file an appropriate petition with all supporting documents before the respondent Managing Director (respondent no.3) raising all the pleas, which have been raised in the present writ petition within a period of four weeks.

If such a representation/ application is filed on behalf of the petitioner within the aforesaid period of four weeks from today with a certified copy of the present order, then the respondent no.3 shall be obliged to refer the matter to the Pricing Committee, whereafter the claim of the petitioner shall be considered in accordance with law and shall be finally disposed of within a maximum period of six months from the date of filing of such representation/ application.

If on consideration of the materials the claim raised on behalf of the petitioner is found admissible to her, then consequential order shall also be issued by the Bihar State Housing Board and/or its functionaries for grant of such admission claim and actual payment, if any, shall also be made without unnecessary further delay.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner in the present writ petition and it is left to be decided by the competent authority strictly in accordance with law.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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