

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5306 of 2015

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Md. Murtaja @ Murtuja Ansari, son of Late Sahadat Ansari, resident of Village-
Koransarai, P.O. & Police Station- Koransarai, District- Buxer.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
3. The District Magistrate, Buxer.
4. The Deputy Development Commissioner, Buxer.
5. The District Panchayati Raj Officer, Buxer.
6. The Block Development Officer, Dumraon, Buxer.
7. The Mukhia, Gram Panchayati Raj, Koransarai, Buxer.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Jagdish Prasad

For the Respondent/s : Mr. GA7-S.P.SINGH

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 07-09-2016

Heard the parties.

Through this writ application, petitioner seeks the following reliefs :

“ (i) For issuance of a writ of Mandamus directing the respondents to make available either the house or money to the petitioner under the Indira Awas Yojna which has already been allotted to the petitioner for the year 2014 on account of his belonging to BPL, handicapped category and the same has already been published on the official web site in which the name of petitioner appears at sr. no.1758.

(ii) The petitioner further prays for issuance of any other writ/writs, order/orders, direction/directions to which the petitioner may be deemed entitled to.”

A counter affidavit has been filed on behalf of the State stating that petitioner's another name is Md. Gorakh, son of Md. Sahadat and the wife of the aforesaid Gorakh has already been allotted Indra Awas, thus, the same cannot be allotted in favour of the

petitioner again. A certificate of the Sarpanch and Mukhiya has been appended as Annexures B and B/1 in this regard.

Annexure-C is written by the 'Gramin Awas Sahayak' to the Block Development Officer, Dumraon stating that he has examined the matter and has found that the petitioner is trying to obtain another Indra Awas.

Though copy of the counter affidavit was served upon counsel for the petitioner on 31.08.2015 itself, no rejoinder to the counter affidavit could be filed till date. When the matter was placed for hearing, several times adjournment was given to the counsel. The order sheet of this Court reflects that the time was granted from 02.08.2016 up to 24.08.2016 but the petitioner has not been able to file rejoinder controverting the statements made in the counter affidavit.

Accordingly, this writ application stands dismissed as one person cannot be granted more than one Indra Awas. If wife of the petitioner has been granted such benefit, the petitioner would not be entitled for the same.

(Dr. Ravi Ranjan, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	
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