

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21059 of 2013

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Yadu Vansh Giri, S/o late Deodhari Giri, R/o Kidwaipuri, P& T Colony, P.S.- Kotwali, District-Patna (Bihar)

.... Petitioner

Versus

- 1.The Bihar State Housing Board, through its Managing Director, Mangles Road, Patna
- 2.The Managing Director, Bihar State Housing Board, Mangles Road, Patna
- 3.The Estate Officer, Bihar State Housing Board, Mangles Road, Patna
- 4.The Executive Engineer, Bihar State Housing Board, Circle-1, Patna
- 4A. The state of Bihar, I.G. Registration, Bihar, Patna
- 5.District Registrar, Patna
- 6.District Sub-Registrar, Patna Sadar, Patna

.... Respondents

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Appearance :

For the Petitioner	:	Mr. RaJeev Kr. Verma, Sr. Advocate Mr. Nikhil Kr. Agrawal, Advocate
For the Board	:	Mr. Anshuman Singh, Advocate Mr. Rajeev Shekhar, Advocate
For the State	:	Mr. Krishna kumar Singh, AC to GP-22.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT
Date: 24-08-2016

Heard the Counsel for the petitioner and AC to GP 22 for the State as well as Mr. Anshuman Singh, for the Housing Board.

The writ application prays for the relief(s) as culled out in various sub paras of para-1. In the interlocutory application (I.A. No. 6404 of 2015) the petitioner has brought on record a communication dated 09.11.2012 (Annexure-26) and prays for quashing thereof. Having appreciated the fact that the said communication was issued in the context of an application filed by the petitioner seeking permission

to sale the flat in question, the counsel for the petitioner has submitted that the I.A has become redundant as the communication dated 09.11.2012 (Annexure-26) has already outlived its life.

Alongwith the supplementary counter affidavit of the Respondent-Housing Board the communication dated 30.03.2012 issued to the petitioner by the Board has been enclosed. On going through the same, it appears the Respondent-Board has accepted that the flat in question can be leased out as per the agreement and the Regulation governing the case on the basis of payment made to the tune of Rs. 1,26,500/-. In the case at hand, under the orders of the National Consumers Dispute Redressal Commission, the petitioner has, however, paid to the tune of Rs. 1,69,247/-. The lease registration of the document is to be made on the basis of the consideration money which may either be Rs. 1,26,500/- or actual amount paid by the petitioner in the sum of Rs. 1,69,247/-. The Board under the said communication has instructed the petitioner to take steps for getting the lease document prepared and registered in respect of the flat in question with certain conditions stated therein. The petitioner has yet to comply with those instructions. Let the petitioner comply with the instructions given under the said communication dated 30.03.2012. Whereafter the Respondent-Housing Board shall take steps for registration of the document in favour of the petitioner respecting the flat in question.

The petitioner has also prayed for a direction to determine the registration charge as was applicable/ prevalent in the year 2009, when the final payment was made by the petitioner. From the counter affidavit of the Respondent-State it appears the document for registration has not till date been presented before the registration authority. What shall be the demand or the requisite registration charge/fee for registering the document is yet to be computed by the respondent state. The said prayer appears to be anticipatory in nature. The State-Respondents considering the particular facts of the case may accept the consideration amount paid by the petitioner to the Housing Board as the amount on which the registration fee would be charged. Such demand for registration fee/duty is yet to be claimed by the State respondent on presentation of the document.

Considering the above, this Court would not dwell upon the said aspect of the matter leaving the petitioner to agitate the same, as and when the occasion arises in accordance with law.

The writ application stands disposed of.

(Kishore Kumar Mandal, J.)

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