

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12138 of 2011

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Rajmani Devi, W/O Late Bhola Nath Sharma, R/O Mohalla- Budha Bihar Colony, Post- Bhadurpur Housing Colony, P.S.- Agamkuan, Distt.-Patna

.... Petitioner/s

Versus

1. The Managing Director, Bihar State Housing Board, 6, Sadar Patel Marg, Patna-15
2. The Special Land Acquisition Officer, Bihar State Housing Board, 6, Sardar Patel Marg, Patna-15
3. The Land Estate Officer, Bihar State Housing Board, 6, Sardar Patel Marg, Patna-15
4. The Executive Engineer, Bihar State Housing Board, Patna, Division-1, Kankarbagh, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vishal Saurabh, Adv.

For the Respondent/s : Mr. Anshuman Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

7 05-01-2016

Heard the parties.

The petitioner has filed the present writ petition under Article 226 of the Constitution of India seeking a direction to the respondents to consider and decide her claim for allotment of flat/land in terms of Regulation 10 of Bihar State Housing Board (Management And Disposal of Housing Estates) Regulation, 1983 (in short 'Regulations, 1983').

The learned counsel appearing on behalf of the petitioner submits that the land of the petitioner, besides others, was acquired by the State Government way back in the year 1975 for the use by the Bihar State Housing Board. In support of above contentions, a supplementary affidavit has been filed on behalf of the petitioner on 27th October, 2015 in compliance of the order dated 01.09.2015 passed by this Bench. The learned counsel appearing on behalf of the petitioner further submits that, though

the petitioner is entitled for allotment of flat/land in view of the provisions contained in Regulation 10 of the Regulations, 1983 and she filed her application before the respondent concerned, but till date her claim has not been decided and on one pretext or the other the matter has been kept pending.

The learned counsel appearing on behalf of the respondents, on the other hand, by referring to the averments made in the counter affidavit, submits that, if the petitioner files her application in the prescribed format with all supporting documents, then her claim shall be considered and decided in accordance with law by the prescribed authority. However, he fairly conceded that till date the matter has not been decided since the petitioner has not filed her application in the prescribed format with all supporting documents.

In above view of the matter, the present writ petition is disposed of with a liberty to the petitioner to file her claim petition/application in the prescribed format before the respondent Managing Director of the Bihar State Housing Board, Patna (respondent no.1) within a period of two months from today with a certified copy of the present order. If the prescribed format is not available to the petitioner, then for that purpose also she may approach the respondent no.1, whereafter he shall be obliged to make available a copy of the prescribed format within four weeks from today. Whereafter the petitioner may file her claim within the time prescribed in the manner indicated above.

If such a claim petition/application is filed on behalf of the petitioner within the time prescribed above, then the respondent no.1 either himself or any other competent authority of the Bihar State Housing Board, Patna shall be obliged to consider

and decide the claim of the petitioner by a reasoned and speaking order, after giving an opportunity of hearing to her, besides others, at an early date, preferably within a period of three months from the date of filing of such claim petition/application.

If on consideration of the materials either the Bihar State Housing Board or its competent authority comes to a conclusion that the claims raised on behalf of the petitioner are admissible to her, then the consequential orders shall also be issued for grant of such admissible claims without any unnecessary further delay.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner and the same is left to be decided by the competent authority of the respondent Bihar State Housing Board, Patna strictly in accordance with law.

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

(Birendra Prasad Verma, J)

Arvind/-

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