

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2780 of 2013

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1. Meena Patel W/O Sri Ashok Kumar R/O At Friends Medical Store, Main Road,
Begusarai, P.S. Begusarai, District Begusarai

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Dept. Of Urban
Development, Govt. Of Bihar, Patna
2. The Principal Secretary, Dept. Of Urban Development, Govt. Of Bihar, Patna
3. Patna Municipal Corporation, Patna
4. The Commissioner, Patna Municipal Corporation, Patna
5. The Estate Officer, Patna Regional Development Authority (Divisional) Now
The Patna Municipal Corporation, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha
Mr. Arvind Kumar Sharma
For the Respondent/s : Mr. Sanjay Prakash Verma
Mr. Nutan Kumar Sharma, A.C. to G.A.-9

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 08-02-2016

Heard Mr. Pramod Kumar Sinha for the petitioner and Mr.
S.P.. Verma, Counsel for the respondent Patna Municipal Corporation
(for short 'the Corporation'). A supplementary counter affidavit on
behalf of respondent nos. 3 to 5 has been filed.

The petitioner was selected to allot a flat bearing no. 203,
Type 01/93, Block - 1/93 in Rajendra Nagar Colony in the township
of Patna. This was pursuant to an open advertisement (Annexure-1)
issued by the respondents on 20.06.2002. Annexure-2 is the letter of
allotment dated 25.3.2003. The petitioner, according to the terms and



conditions mentioned in the letter of allotment, deposited the entire consideration amount of the flat allotted to her. The grievance is that in spite of payment of the entire dues of the respondents, lease document in respect of the said flat has not been executed in her favour by the respondent Corporation in spite of the diverse requests made in this regard by her.

In the counter affidavit, the respondents have stated that subsequent to allotment of the flat in question, the petitioner got another plot allotted by the respondents which is not in accordance with the rules.

Considering the submissions of the parties and taking into account the diverse pleadings, it appears the petitioner on being selected was allotted the flat in question in the year 2003 itself by the respondents. She has deposited all the consideration money for the said flat. Indisputably, there is no outstanding claim of the respondents in respect of the said flat. The respondents, in the circumstances, are directed to execute the lease document in respect of the said flat in favour of the petitioner and hand over possession as well within five weeks from the date of receipt/production of a copy of this order before the Chief Executive Officer-cum-Municipal Commissioner of the respondent Corporation.

The objection with regard to allotment of second plot after

the allotment of the flat shall not be gone into by this Court leaving it to the respondent Corporation to proceed in the said matter in accordance with law.

The writ application is disposed of.

(Kishore Kumar Mandal, J)

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