

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5502 of 2015

=====

Council for Protection of Public Rights and Welfare through its President Sri Indu Shekhar Prasad Sinha, Senior Advocate, Patna High Court, S/o Late Babu Brahma Deva Narayan Sinha, Resident of Park Road, Kadamkua, Patna- 800003.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
4. The District Magistrate, Patna.
5. The Bihar State Housing Board through its Managing Director, Patna.
6. The Managing Director, Bihar State Housing Board, Patna.

.... Respondents

=====

Appearance:

For the Petitioner/s : Mr. Brajesh Kumar, Advocate.
For the Respondent/s : Mr. Anjani Kumar, AAG-4.
For the Housing Board : Mr. Anil Kumar Sinha, Advocate.

=====

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 02-12-2016

The present writ application has been filed in public interest for allotment of plots to the original applicants which allotments were annulled by the Digha Acquired Land Settlement Act, 2010.

Similar issue has been raised by an allottee claiming right of allotment on the basis of allotment in his favour in L.P.A. No. 99 of 2016 (Surendra Chaudhary Vs. The Bihar State Housing Board, Patna & Ors.), which has been decided by this Court on 19th of November, 2016.



While examining the provisions of the Digha Acquired Land Settlement Act, 2010, it has been held that the allottees have no right to claim allotment of plots, who have not raised construction on the plot allotted in terms of the said Statute.

In view of the specific provisions of the Act and for the reasons recorded in Surendra Chaudhary’s case (supra), the present Letters Patent Appeal is dismissed.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

Mishra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	07.12.2016
Transmission Date	

