

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16765 of 2012

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Awdhesh Kumar Verma S/O Late Ram Autar Prasad Permanent Resident Of
Village & Post Jamua, Via Dhaka, District - East Champaran At Present Resident
Of C/302, Moila Complex, Dvc Road, New Yarpur, Patna - 800001

.... Petitioner

Versus

1. The Bihar State Housing Board, Patna Through The Chairman
2. The Managing Director, The Bihar State Housing Board, Patna
3. The Building Construction And Housing Department, Govt. Of Bihar At Patna
through The Secretary
4. Manager, Estate Officer I, Bihar State Housing Board, Patna
5. Manager, Estate Officer II Bihar

.... Respondents

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Appearance :

For the Petitioner	:	M/s Sunil Kumar Singh, Kaushlendra Kumar Sinha, Anjani Kumar Mishra, Advocates
For the Respondents	:	Mr. Rakesh Kumar Singh, Advocate
For the State	:	Mr. R.K.Roy, G.P. 18

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 08-11-2016

Heard parties.

Petitioner's allotment of MIG Plot No. 4M/154 has come
in cloud in view of the letter no. 3089/91 dated 25.9.1991 issued by
the Building Construction and Housing Department, Govt. of Bihar
as 77 allotments were made by a particular Managing Director
without following any procedure, thus, steps were being taken for
cancellation of such allotments. However, in several orders this Court
has criticized the procedure which has been adopted by the Housing
Board stating that uniform procedure of cancelling the allotment and



annulling the decision of erstwhile Chairman – cum – Managing Director has not been taken and certain persons who are well placed and connected have been allowed to continue. It has been stated by learned counsel appearing for the Housing Board that out of the aforesaid 77 allotments about 42 allotments have already been regularized. In the case of the petitioner it is apparent from the note dated 6.7.2015 of the Estate Officer of the Housing Board that the petitioner's case is entirely different and he was discriminated on earlier occasion and otherwise also he would have been on Sl. No. 12 in the year 1994 itself and could have been allotted the plot earlier. In the year 1989 also, in the list, his name was at Sl. No. 10. However, since a decision for allotment was taken when a particular person was Chairman – Managing Director, the petitioner is now again being deprived. It is further stated in the note that his case should have been taken separately from those 77 cases as in several matters, upon the directions of the High Court, the allotments have been regularized. The recommendation is that it should be considered separately from the 77 allotments done during the tenure of the erstwhile Managing Director. It is further stated that the office should rectify its earlier mistake and regularize the petitioner's allotment. It has been stated by the learned counsel for the petitioner that Plot No. 4M/154, which was allotted to the petitioner, is still



lying vacant.

Having regard to the aforementioned facts and circumstances this Court disposes this writ application with a direction to the Housing Board to take a decision with respect to allotment and, thereafter, finally registering the concerned plot in favour of the petitioner considering the note put forward by the Estate Officer of the Board and also the various decisions of this Court which have been brought on record by the Board itself.

It is made clear that the Board has not filed any affidavit controverting the claim of the petitioner and stating that the petitioner should not have been allotted or in fact his allotment should be cancelled on merit.

It is expected that such decision would be taken within a period of three months from the date of receipt / production of a copy of this order.

(Dr. Ravi Ranjan, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.02.2017
Transmission Date	NA

