

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 3975 of 2014

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Pashupati Nath Verma S/O Late Ramyad Prasad Resident Of Mohalla-
Gandhi Chowk, P.O.- Sitamarhi, P.S.- Sitamarhi Sadar, District-
Sitamarhi.

.... Petitioner.

Versus

1. The Bihar State Housing Board, through its Managing Director,
Office situated in 5 Mangles Road, P.S.-Sachivalaya, Patna.
2. The Secretary, Bihar State Housing Board, Office 5 Mangles Road,
Patna.
3. The Estate Officer, Bihar State Housing Board Patna Office of Bihar
Petitioner No. 2 and 3 situated in 5 Mangles Road, Patna.
4. The Executive Engineer, Bihar State Housing Board Office situated
in Damodarpur via Patahi at Muzaffarpur.

.... Respondents.

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Appearance :

For the Petitioners : Mr. Subodh Kumar Sinha, Adv.

For the Respondents: Mr. Rabindra Kumar Priyadarshi, Adv.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 09-02-2017

Heard learned counsel for the petitioner and the State.

Petitioner seeks quashing of the notice published in the
Times of India on 30th June, 2013 by which it was directed that
all such persons who have applied for flat/plot at different places
in Bihar pursuant to Advertisement of Housing Board may
withdraw the amount by 30th of September, 2013, as contained in
Annexure-3.

This Court is not at all satisfied that due to non-



availability of flats so far Damodarpur at Muzaffarpur Town is concerned, the allotment could not be made to the petitioner for the reasons that in the counter affidavit itself it is stated in paragraph 5 that, after scrutiny, about 40 MIG flats were to be allotted after due process. Out of forty flats only five applicants fulfilled the requisite terms and conditions and they were allotted the flats and got their possession. Rest flats remained vacant because nobody turned up after several correspondences.

So far the petitioner is concerned, a stand is taken that the application was rejected as allegedly he did not file his application in the prescribed format. I fail to understand why this was not informed to him. This could have easily rectified and the application in the prescribed format could have been obtained for 35 flats which were available which unnecessarily remained vacant and the Housing Board, by not allotting them, is suffering financial loss also as no money after investment has been returned. This shows lackadaisical and negligent attitude of the Housing Board authorities which has to be deprecated. Not a single chit of paper has been brought on record to show that the petitioner was ever informed regarding any defect in his affidavit rather the petitioner has stated that he was informed by the Managing Director himself that his case is at Serial No. 61 of the



waiting list and there is every chance that he may get a plot. Though it is a bald statement but again petitioner had filed a representation on 10.01.2011 and, thereafter, the Executive Engineer had sent all the relevant papers along with application for considering the allotment to the Estate Officer, Housing Board at Patna. The document has been appended as Annexure-1. There is no specific answer to the aforesaid facts in the counter affidavit.

In above view of the matter, this writ petition stands disposed of with a direction to the Managing Director, Housing Board, Patna to consider allotment of plot of the aforesaid petitioner in accordance with law expeditiously preferably within a period of three months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J.)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.05.2017
Transmission Date	NA

