

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1320 of 2013

IN

Civil Writ Jurisdiction Case No. 3358 of 2012

- =====
1. The Secretary, Bihar State Housing Board, Patna
 2. The Executive Engineer, Bihar State Housing Board, Muzaffarpur Division, Damodarpur, Muzaffarpur
 3. Bihar State Housing Board through Bihar State Damodarpur, Kanti, Muzaffarpur
- Appellants

Versus

1. Sarfraz Ahmad Son of Ahmad Hussain Resident of Village and P.O. Kamalpur, P.S. Paroo, District - Muzaffarpur
 2. The State of Bihar through Principal Secretary, Government of Bihar, Patna
- Respondents
- =====

Appearance :

For the Appellants : Mr. Ram Kishore Singh, Advocate
For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 22-02-2017

There is a limitation of 131 days. Even if the condonation petition, which is I.A. No. 7568 of 2013, is allowed, the Court is not inclined to interfere with the order of the learned single Judge passed in the writ application because a reading of the said order puts the onus on the Housing Board and there is a failure on their part to carry out their responsibility despite deposit of money and installments by the private respondents in respect of allotment of a plot of land.

The conduct of the Housing Board smacks off arbitrariness and nepotism and it is in this background that the



learned single Judge directed the Managing Director to ensure allotment of another plot of land equivalent to EP-26.

The direction was to comply within one month. Instead of doing so, when a contempt application was moved by the private respondent, hurriedly a Letters Patent Appeal has been filed to overcome the difficulty being faced by them in the contempt.

Since the order of the learned single Judge does not suffer with any vice, the same is not required to be interfered with. The appeal is dismissed.

The Managing Director is directed to comply with the order of the learned single Judge forthwith without any delay.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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