

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.118 of 2015
IN
Civil Writ Jurisdiction Case No. 6548 of 2005**

- =====
1. The Bihar State Housing Board through its Chairman Cum Managing Director Housing Board, Kranti Marg, Patna.
 2. The Commissioner-cum-Secretary, Housing Department, P.W.D., Patna.
 3. The Executive Engineer, Housing Board, Gaya Division, District - Gaya.
 4. The Assistant Engineer, Housing Board, Gaya Division, District - Gaya.
 5. The Revenue Officer, Housing Board, Kranti Marg, Patna.
 6. The Estate Officer, Housing Board, Kranti Marg, Patna.
 7. The Secretary, Bihar State Housing Board, Kranti Marg, Patna.

.... Respondents- Appellant/s

Versus

1. Prajapati Sharan, son of Jagatpati Sharan, Husband of Late Indu Bala Sinha
2. Ashish Kumar, son of Sri Prajapati Sharan and Late Indu Bala Sinha
Both residents of HIG - 35, Shahid Bhagat Singh Colony, Mushtafabad, Gaya, P.S. Rampur, District - Gaya.
3. Ekta Sinha, daughter of Sri Prajapati Sharan and Late Indu Bala Sinha, wife of Sri Alok Krishan Verma resident of Mohalla - Rampur, Jamalpur, P.S. - Jamalpur, District - Munger.
4. Rahul Kumar Sinha, son of Sri Prajapati Sharan and Late Indu Bala Sinha.
5. Piyush Kumar Sinha, son of Sri Prajapati Sharan and Late Indu Bala Sinha
Both residents of HIG - 35, Shahid Bhagat Singh Colony, Mushtafabad, Gaya, P.S. Rampur, District - Gaya.

.... Petitioners- Respondent/s

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Appearance :

For the Appellant/s : Mr. Prabhat Kr. Verma, Senior Advocate
Mr. Ram Kishore Singh, Advocate

For the Respondent/s : Mr. Pramod Kr. Sinha, Advocate
Mr. Arvind Kumar Sharma, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 19-05-2017

Seeking exception to an order dated 06.08.2013 passed by
the Writ Court in CWJC No.6548 of 2005; this appeal has been filed
by the Bihar State Housing Board under Clause 10 of the Letters



Patent.

The only issue raised in this appeal is with regard to denial of interest by the learned Writ Court with effect from the date the writ petition was filed and till the decision of writ petition. The interest has been denied by the learned Writ Court on the following ground:

“If there was failure on the part of the Court to adjudicate the matter within reasonable time-frame, it is also the duty of the Court to ensure that the additional burden which has been sought to be created by the Housing Board by demanding interest ought not be permitted.”

The discretion exercised by the learned Writ Court in the matter of awarding payment of interest to the legal heirs of the deceased-original petitioner is nothing but a discretion exercised by the learned Writ Court and we see no reason to make any indulgence into the matter. The appeal is dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
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