

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1493 of 2014

IN

Civil Writ Jurisdiction Case No. 9901 of 2013

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1. Smt. Kusum Singh Wife of Sri Badri Narayan Singh Resident of village - Bishrampur, P.O. Imamganj, P.S. Imamganj, District - Gaya ,Pin - 824206.

.... Appellant/s

Versus

1. The Bihar State Housing Board, 6-Sardar Patel Marg, Patna - 800015 through its Secretary.

2. The Managing Director, Bihar State Housing Board, Patna.

3. The Executive Engineer-cum-S.D.O., Gaya Pramandal, Housing Board, Gaya.

4. The Revenue Officer, Gaya Pramandal, Bihar State Housing Board, Sardar Patel Marg, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Satya Ranjan Sinha

For the Respondent/s : Mr. Ram Kishore Singh

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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: 08-05-2017

Writ application was filed for a direction that suitable flat should be allotted to the appellant, who was petitioner before the learned Single Judge. Claim was made on the basis of an application made in the year 1989. Since no initiative taken thereafter by the appellant for 24 years, the learned Single Judge was compelled to dismiss the writ application and rightly so.

However, if the appellant is interested in seeking refund from the Housing Board then she may make an application along with supporting documents, which is required for such a refund, before the Managing Director of the Housing Board and it shall be his duty to



ensure that the deposited amount of Rs.5000/- is refunded to the appellant within a period of eight weeks of filing of an application. Whatever formalities is required to be completed must be made known to the appellant and the Housing Board will have no harassing attitude in this regard and must have a cooperative approach. The refund shall also be made with payment of interest at the rate of 8% simple interest per annum.

Submission of the counsel for the Housing Board that interest should be maintained at 5% simple on the earnest money is not a fixed norm. The constitutional court cannot be bound by such a submission or the stand of the Housing Board keeping in mind that there seems to be omission even on the part of the Housing Board either to communicate or refuse the non-availability of flat or the reason for not allotting the flat to the appellant.

Appeal stands disposed of with the above direction.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.05.2017
Transmission Date	NA

