

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14277 of 2013

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Sona Devi Wife Of Sri Sukhu Dhangar Resident Of Mohalla - China Kothi,
Mandiri, P.O. - G.P.O., Patna, P.S. - Buddha Colony (Kotwali), District -
Patna

.... Petitioner

Versus

1. The State Of Bihar , Through The Chairman, Bihar State Housing Board,
Patna
2. The Secretary, Bihar State Housing Board, Patna
3. The Executive Engineer, Bihar State Housing Board, Patna
4. The Revenue Officer, Bihar State Housing Board, Patna
5. The District Magistrate, Patna
6. The Secretary, Department Of House Building And Residence, Bihar
7. Md. Kalamuddin @ Pappu Mian Son Of Late Md. Nizamuddin Q. No.
15, Near Bidyapati Bhawan, Opp. Fish Department, House Of Homeless
Person, P.S. Kotwali, Town & District - Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Alok Kumar, Adv.

For the Respondent/s : Mr. Anshuman Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

16 08-02-2017 Heard Mr. Alok Kumar, learned counsel for the petitioner
and Mr. Anshuman Singh, learned counsel for the Board. There is
no representation on behalf of the State of Bihar.

The petitioner happens to be the daughter of the original
allottee and who died pursuing the allotment made in his favour.
There is no dispute as regarding the claim of the petitioner and in
fact when this matter was taken up on 28.9.2016 this Court taking
note of the circumstances where an allotment of 1970 had yet not
reached its finality directed the Managing Director of the Housing
Board to resolve the difficulty faced and when it was informed



that the flat in question was in illegal occupation of somebody and steps were being taken for vacating the same. It is thereafter that the matter has been adjourned from time to time but nothing substantial happened. There is no contest as to the right of the petitioner to the flat in question and which stands concluded by the affidavit of the Board filed on 30th November, 2016 wherein at paragraph 8, it is specifically stated that steps are being taken to handover the house in favour of the petitioner after removal of encroachment. This matter was last heard on 18.1.2017 and this Court taking note of the situation that there was no change in situation since filing of affidavit on 30.11.2016, directed the parties to address the issue on merits and this is how the matter is posted today.

Mr. Anshuman Singh, learned counsel for the Board, on instruction, informs that the illegal occupant has since been removed but this position is being contested by the learned counsel for the petitioner.

Considering that there is no dispute on the allotment as well as intent of the Board to handover the flat to the petitioner as reflected in paragraph 8 of the second supplementary counter affidavit filed on 30th November, 2016, I now deem fit and proper to direct the Managing Director of the Board to take expeditious



steps for handing over the flat to the petitioner in accordance with law within a maximum period of four weeks from today.

This writ petition is, accordingly, allowed.

(Jyoti Saran, J)

Surendra/-

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