

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1171 of 2013
IN
Civil Writ Jurisdiction Case No. 4524 of 2012**

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1. Bihar State Housing Board through Its Managing Director, 6 Mangles Road, Patna
2. The Revenue Officer, Bihar State Housing Board, 6 Mangles Road, Patna
3. The Manager Estate, Bihar State Housing Board, 6 Mangles Road, Patna
4. The Executive Engineer, Public Health Division, Bihar State Housing Board, Bahadurpur, Patna

.... Appellant/s

Versus

1. Professor (Dr.) Ranjeet Kumar Mishra S/O Late Rajendra Prasad Mishra C/O S.S. Mishra, Village - Ramjee Chak, P.O. - Bataganj, P.S. - Digha, District - Patna, Pin - 800018
2. The State Of Bihar, Through the Principal Secretary-Cum-Commissioner, Department of Urban Development and Housing, Govt. Of Bihar
3. The Principal Secretary-Cum-Commissioner, Department of Urban Development and Housing, Govt. Of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Lalit Kishore, Sr. Advocate
Mr Anshuman Singh, Advocate
For the Respondent/s : Mr. Suresh Kumar, Advocate

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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: 09-05-2017

There cannot be two yardsticks in decision making in public domain, one for the blue-blooded and the other for a commoner. The facts of this case, which will be noticed in latter part of the order, will indicate such a position.

2. The private respondent, who was the petitioner before the learned Single Judge, filed writ application aggrieved by a letter No.8814 dated 26.9.2011 issued under the signature of the Manager Estate of the Housing Board that the allotment of Plot No.8M/33 in favour of late Renuka Devi stood cancelled in terms of the decision of



the State Government dated 19.8.1994.

3. The learned Single Judge taking note of the fact that a proper allotment was made of the plot in question on a hire purchase agreement, found that there was no violation committed by the original allottee at any point of time and the allotment was even registered in favour of the allottee.

4. However, it seems that the State Government found something amiss in the manner in which the erstwhile Chairman of the Housing Board made allotments in favour of many individuals, which was said to be reckless, if not arbitrary.

5. The learned Single Judge quashed the decision and allowed the writ application, therefore, the present Letters Patent Appeal has been filed.

6. From perusal of the materials on record and the pleadings whatever the Chairman may have done in allotment of land, the fact is that the State does not paint itself in any glorious colour because the State authorities have themselves decided to regularize those allotments and if you go through the list of people where regularization has been done, they are all blue-blooded. But when it comes down to a person, who has no capacity to pull strings, the State is discriminating by not willing to comply with the direction issued by the learned Single Judge.

7. If as a policy, the respondent authorities, including the present appellant, had cancelled the entire allotment across the board



and treated one and all in equal fashion, there would not have been any grievance raised on behalf of anybody at all. Challenges could have been thrown to such a decision but at least the allegation of discrimination would not have arisen.

8. In the present case because the State has itself decided to regularize some of these allotments made by the same Chairman, therefore, there cannot be any pick and choose especially when all documentation after allotment had been completed and the benefits of such allotment was being derived by the private respondent for a long-long time.

9. This Court in the above facts and circumstances will not interfere with the decision of the learned Single Judge because that will cause not only hardship but also discriminate the original allottee or the present successor- in- interest i.e. the private respondent, in an unfair manner.

The appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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