

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1027 of 2016
IN
Civil Writ Jurisdiction Case No. 9391 of 2011**

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1. The Managing Director Bihar State Housing Board, 6 Sardar Patel Road, P.S.- Sachiwalay, District- Patna
 2. The Secretary, Bihar State Housing Board, 6 Sardar Patel Road, P.S.- Sachiwalay, District- Patna
 3. The Manager Estate-Cum-Addl. Secretary, Bihar State Housing Board, 6 Sardar Patel Road, P.S.- Sachiwalay, District- Patna
 4. The Executive Engineer, Bihar State Housing Board, Patna Division-1, Kankarbagh, P.S. Patrakar Nagar, District- Patna

.... Appellant/s

Versus

1. Most. Sawari Devi, W/o Late Anand Lal, R/o Village- Jalalpur, P.O. Jalalpur, P.S. Kuchaikot, District- Gopalganj, presently residing at M.I.G. House No.181, Hanuman Nagar, P.S. Patrakar Nagar, District- Patna
2. The State of Bihar through the Principal Secretary, Housing Department, Govt. of Bihar, Nirman Bhawan, Patna
3. The Hon'ble Minister, Housing Department, Govt. of Bihar, Nirman Bhawan, Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Kumar Sinha, Advocate
For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 10-07-2017

Seeking exception to an order dated 17.5.2013 passed by
the learned Writ Court in C.W.J.C. No.9391 of 2011, this appeal has



been filed under Clause 10 of the Letters Patent.

Respondent, a widowed lady, had filed the writ petition in question in the year 2011, challenging the demand notice raised claim a sum of Rs.10,99,113/- from her as the cost of an M.I.G. house No.181 situated in Hanuman Nagar, P.S. Patrakarnagar, Patna. The learned Writ Court held after detailed deliberation into the matter that the allotment in question was made in the year 1988 and finally it was allotted in the year 1995 and she is entitled to be allotted the house on the rate which was prevailing in the year 1988. Taking note of various aspects of the matter and the litigation with regard to non-allotment etc. being agitated by the petitioner right from the year 1992 onwards, the learned Writ Court in a detailed order has directed for allotment of the house to the petitioner widow at the rate that was prevailing in the year 1988 and while doing so it has been taken note of that she is agitating the matter right from the year 1992 and, therefore, for the reasons that weighed with the authorities, the impugned action has been taken.

Taking note of the detailed order passed by the learned Writ Court which pertains to allotment right from the year 1988, we see no reason to make any indulgence, as the Writ Court has cogent justifiable reason in the order passed as to why the rate prevailing in the year 1988 should only be recovered from the petitioner. The order



passed by the learned Writ Court is a detailed order and we see no reason to make any indulgence.

The appeal is dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

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