

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4946 of 2013

Arising out of

Civil Writ Jurisdiction Case No. 14509 of 2010

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Nawal Kishhore Prasad, son of Late Bachchu Prasad Singh, R/o House No. A/1, Shanti Vihar Colony, Ambedkar Path, P.O. Bihar Veterinary College, P.S. Danapur, Town and Distt. Patna (Bihar), PIN Code 800014.

.... Petitioner/s

Versus

1. The Bihar State Housing Board through Sri Alok Kumar Singh, Chairman, 6 Mangles Road, Patna
2. Sri Anupam Kumar Suman, IRS, The Managing Director, Bihar State Housing Board, 6 Mangles Road, Patna.
3. Sri Ashok Kumar Singh, Executive Engineer, Bihar State Housing Board, Patna Division No. 1, Hanuman Nagar, Patna,
4. Sri S.K. Pandey, Manager, Land & Property – cum – Additional Secretary, Bihar State Housing Board, 6 Mangles Road, Patna.
5. The Pricing Committee, Bihar State Housing Board, through Sri Lalanji, IAS, Chairman, 6, Mangles Road, Patna
6. Sri S.K. Pandey, B.A.S., Estate Officer, Bihar State Housing Board, 6 Mangles Road, Patna.
7. Sri Lalan Jee, I.A.S., Revenue Officer, Bihar State Housing Board, 6 Mangles Road, Patna.

.... Respondents / O.Ps.

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Appearance:

For the Petitioner/s : Mr. Lalan Prasad Singh and
Mr. Ramesh Tiwary, Advocates.

For the Respondent/s : Mr. Rajiv Kumar Singh, GP 2.

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 17-03-2017

The original Writ Petition (CWJC No. 14509/2010) was disposed of vide order dated 01.05.2013 with a direction which reads as under:-

“Having considered the facts and circumstances of the case, the Court is satisfied that both the petitioner and the respondent must share the blame proportionately. The petitioner is undoubtedly liable to pay all delayed instalments @ 18% till 6.9.1996. After that date, the



Board not having raised any demand from the petitioner cannot be permitted to raise any claims for interest prior to 28.6.2001 when it have him notice. To allow the Board to do so would be giving an advantage for its own wrong with liability being fixed upon the petitioner. But default, if any, by the petitioner after 2001 shall again carry interest @ 18%.

Let the Board rework the payments received by it along with interest and deduct the period from 6.9.1996 to 28.6.2001 and if there is any refund it should be made to the petitioner within a maximum period of two months from the date of receipt / production of a copy of the order.

The Board shall furnish a statement of accounts for the amount in controversy to the petitioner.

The application is disposed.”

2. From the show cause filed by the respondents, it is seen that they have calculated the payments to be made and, as per the statements (Annexure ‘A’), it is stated that now the petitioner is to pay a sum of Rs. 5,214.66 and thereafter nothing is payable to him. The petitioner, by filing a detailed rejoinder, refutes the aforesaid deduction but the documents and the other materials filed therewith goes to show that there is a serious dispute between the parties with regard to payment of installments and the amount to be refunded to the petitioner.

3. All these disputes are required to be adjudicated, as the order passed in the Writ Petition was only to the Board to calculate the amount and make the payment. In this contempt



proceedings, the dispute as now canvassed cannot be resolved or adjudicated. Instead, liberty shall be available to the petitioner to challenge the action of the Board and claim further relief by initiating proceedings as may be permissible under the law.

4. With the aforesaid observation, the application for contempt is disposed of.

(Rajendra Menon, CJ)

Dilip, A.R.

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

