

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1208 of 2013
Arising out of
Civil Writ Jurisdiction Case No. 6052 of 2013**

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Krishna Murari Singh, S/o Late Awadh Bihari Singh, Resident of Rental Flats No. 336, Lohia Nagar, P.S.- Kankarbagh, District- Patna

.... Appellant/s

Versus

1. The Bihar State Housing Board through its Managing Director, 6, Sardar Patel Marg, Patna
2. The Managing Director, Bihar State Housing Board 6, Sardar Patel Marg, Patna
3. The Executive Engineer, Bihar State Housing Board, Division No. 1, Hanuman Nagar, Patna
4. The Manager Estate, Bihar State Housing Board, Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. S.K.P. Sinha, Advocate

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

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 24-03-2017

Seeking exception to an order dated 24.04.2013 passed by the learned Writ Court in C.W.J.C. No. 6052 of 2013 this appeal has been filed under Clause 10 of the Letters Patent.

2. Appellant's father was working in the Government department and while working so, in view of the contract of service and being a Government employee, Flat No. 336 in Lohiya Nagar, Police Station- Kankarbagh, Patna was allotted by the Government in the name of appellant's late father in the year 1970. On creation of



the Housing Board, the Government residential properties including the flat in question were transferred and brought under the control of the Board. However, in the year 1995, it was found that appellant's father was not living in the flat, had sub-letted to some other person. Therefore, after issuing notice, the allotment was cancelled on 19.04.1988 and during the period when his father was alive and thereafter through his mother and the appellant various litigations took place and finally the petition in question was also filed seeking retention of the quarter and for considering the claim of the appellant for allotment of the flat in his name based on some policy of the Government.

3. After analyzing various aspects of the matter, the learned Writ Court found that the appellant has no right to continue in the flat or demand as a matter of right for settlement of the flat in his favour. It was found that there was no concrete proposal or policy decision with regard to allotment of such flat to the occupants of the flat. That apart, it was found that the original allottee of the flat in question was appellant's father. He was allotted the flat by virtue of his contract of appointment but after his retirement and after the death of the original allottee no right subsisted to the legal heirs for continuing with the allotment. It was found that the flat in question was allotted to the father of the appellant on rental basis as he was a



Government employee and the day he superannuated from service, he lost his right to retain the quarter. Accordingly, the learned Writ Court found that after his retirement, appellant’s father was an illegal occupant and if on such consideration the allotment is cancelled, no error has been committed warranting reconsideration, accordingly, analyzing all the aspects of the matter in detail the writ petition has been dismissed finding the appellant to have no right to retain the flat in question which was illegally occupied by his father even after his superannuation.

4. The detailed order in this regard passed by the learned Writ Court and the detailed analysis not only of facts but of law made by the learned Writ Court being in accordance with law and there being no error in the same warranting reconsideration, we see no reason to make any indulgence into the matter.

5. The Letters Patent Appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
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