

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1674 of 2013
IN
Civil Writ Jurisdiction Case No. 2696 of 2005**

- =====
1. The Bihar State Housing Board, Patna.
 2. The Managing Director, Bihar State Housing Board- 6, Sardar Patel Marg, Patna.
 3. The Executive Engineer, Bihar State Housing Board, Muzaffarpur Division.
 4. The Assistant Engineer, Bihar State Housing Board, Chhapra.
 5. The Land Acquisition Officer, Bihar State Housing Board, Patna.

.... Appellant/s

Versus

Bindeshwari Singh Vidyarthi, Son Of Late Muluk Raja Singh, Resident Of Village-
Rashalpura, P.O.- Rashalpura, Police Station- Doriganj, District- Saran.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Lalit Kishore, Senior Advocate
Mr. Rabindra Kumar Priyadarshi, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 18-07-2017

The delay in filing of this Appeal is condoned.

Interlocutory Application No.9257 of 2013 stands
allowed and disposed of.

Seeking exception to an order dated 25.06.2012 passed



by the Writ Court in Civil Writ Jurisdiction Case No.2696 of 2005, this appeal has been filed by the Bihar State Housing Board under Clause 10 of the Letters Patent.

Having heard learned counsel for the parties, we find that the writ petitioner-respondent herein is a retired low paid Government employee and on the basis of an application filed by him way back in the year 1994, a plot of land under MIG Scheme was allotted to him on 02.04.1994 on a payment of a sum of Rs.3,500/-. Nothing happened for a long period of time when all of a sudden in the year 2000, he got a communication that the affidavit filed by him is incomplete as the place 'Chapra' is not indicated in the application, therefore, he filed the writ petition and the applicant was permitted to give a fresh affidavit and considering the fresh affidavit, the allotment was made, but a decision was taken demanding a sum from him. When the same was not made, the matter came to the Writ Court and the Writ Court found that the petitioner, an innocent person, cannot be harassed in the manner done. The learned Writ Court called for the entire original file with regard to the allotment in question and found that the Housing Board in the file had given reason for non-inclusion of the petitioner's name in the draw of lot and thereafter there is manipulation in the record and the applicant, a poor innocent person, was tried to be



excluded by mala fide means. Taking note of various discrepancies and manipulations in the original file, the claim of the writ petitioner-respondent herein was allowed and it was directed to be settled in his name.

We have gone through the detailed order passed by the learned Writ Court and find no error in the same warranting reconsideration. The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
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