

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19230 of 2015

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Sanjay Kumar Son of Late Mahatam Pandey resident of village - Rajwara, P.O.
Rajwara, Police Station Sahebganj, District - Muzaffarpur

.... Petitioner

Versus

1. The Bihar State Housing Board through its Secretary, 6, Sardar Patel Marg, Patna 800015
2. The Secretary, Bihar State Housing Board, 6, Sardar Patel Marg, Patna 800015
3. The Executive Engineer, Division office, Bihar State Housing Board, Damodarpur, Muzaffarpur
4. The Junior Engineer, office of the Executive Engineer, Division Office, Bihar State Housing Board, Damodarpur, Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner	:	M/s Suraj Narain Yadav and Upendra Kumar Chaubey, Advocates
For the Respondent	:	Mrs. Binia Singh, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 09-02-2017

Heard parties.

Petitioner was allotted plot no. L.P. 30 in lower income group of Housing Board on 16.12.2006 and a hire purchase agreement was registered on 12.1.2007. Eventually, for transfer of plot on perpetual hold basis, a deed was executed on 28.3.2014 which was registered also after payment of entire demand by the Bihar State Housing Board. However, according to the petitioner, physical possession was not given because the plot was found in possession of somebody else and, thus, it is contended that illegal settlement was



made with him and for which the petitioner is fighting since long to get justice.

A counter affidavit has been filed on behalf of the Housing Board. Petitioner's claim has not been controverted rather it is fairly stated in paragraph 6 of the counter affidavit that the Managing Director has given a direction for allotment of an alternative vacant plot of the same category and price to the petitioner in the same area. It is stated that it would be done expeditiously .

Today, learned counsel appearing for the Housing Board has informed that plot no. L.P. 23 has been allotted to the petitioner after lottery.

This Court is of the opinion that after such plot is being allotted to the petitioner, this writ application has lost its efficacy and, accordingly, the same stands disposed of.

However, before parting with the matter, this Court must indicate that since the petitioner was never at fault. A plot which was in possession of somebody else in lieu of some settlement done by the Circle Officer concerned was allotted to the petitioner for which the final deed of lease was executed and registered, petitioner would not be liable to pay any further charge as no further demand of price of land can be made from the petitioner as



after payment of all dues only the deed of lease was executed.

However, since the plot has to be registered once again the petitioner would be liable to incur the registration charge after deducting the earlier amount which had been paid by him for registration of the earlier lease of deed. Balance has to be incurred by the Housing Board.

Let all the formalities be completed and possession of the plot be delivered to the petitioner expeditiously preferably within a period of three months from the date of receipt / production of a copy of this order.

(Dr. Ravi Ranjan, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.05.2017
Transmission Date	NA

