

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19144 of 2015

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Utpala Ghosh Wife of Dilip Kumar Raj, Daughter of Late Shyama Nath
Ghosh resident of Adampur, P.S. Barari, District - Bhagalpur

.... Petitioner.

Versus

1. The State of Bihar, through its Chief Secretary, Old Secretariat, Building, Patna
2. The Managing Director, Bihar State Housing Board, Manglia Road, Patna (Bihar)
3. The Executive Engineer, Bihar State Housing Board, Barari, Bhagalpur (Bihar)
4. The Urban Development and Housing Department, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sangha Mitra Ghosh
For the Housing Board : Mr. Ram Shankar Pradhan, Sr. Ad.
Mr. Rakesh Kumar Singh, Adv.
For the State : Mr. Arvind Kumar AC to- GA-9

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-02-2018 Heard Mr. Sangha Mitra Ghosh, learned counsel for the petitioner, Mr. Ram Shankar Pradhan assisted with Mr. Rakesh Kumar Singh, learned counsel for the Housing Board and Mr. Arvind Kumar, AC to GA-9 for the State.

The present writ application has been filed for a direction to the respondents to allot M.I.G. Flat in Barari, District- Bhagalpur.

The petitioner submitted his application on 03-08-1989 and deposited Rs. 15,000/- on 13-09-1989 as earnest money towards purchase of the said M.I.G. Flat. Thereafter, no action was



taken by the authority of Housing Board with regard to allotment of Flat.

It is submitted by learned counsel for the Housing Board that the allotment was processed and finalized through lottery. In the case of the petitioner, the lottery was held on 02-05-2000 wherein application of the petitioner was also incorporated in the lottery process, but her application could not be selected in the lottery process and she was not qualified and this fact was known to the petitioner.

At paragraph-9 of the counter affidavit, it has been mentioned that the Housing Board vide resolution No. 10341 dated 30-11-2012 had decided to refund the earnest money.

Learned counsel for the petitioner however submits that the petitioner was not aware about the fact that her application was processed. Hence, now the petitioner confines his prayer for return of the earnest money alongwith prescribed interest.

Mr. Pradhan learned counsel for the Housing Board submits that earnest money along with prescribed interest would be refunded within a period of eight weeks.

It is expected from the Housing Board that the concerned authorities will return the earnest money to the petitioner alongwith prescribed interest within a period of eight



weeks from the date of receipt/production of copy of this order.

Accordingly, with the aforesaid observations, this writ application is disposed of.

(Dinesh Kumar Singh, J)

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