

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2835 of 2014

Bimla Devi W/O Sri Ranjit Singh Resident Of Flat No. Ksfa - 3 - 1/15, Lohia
Nagar, Kankarbagh, P.S. Lohia Nagar, Town and Distt. - Patna ... Petitioner/s
Versus

1. The Bihar State Housing Borad Mangals Road, Patna
2. The Executive Engineer, Bihar State Housing Board, Patna, Division No.3
Bhootnath Road, Bahadurpur, Patna
3. The Revenue Officer, Bihar State Housing Board, Patna
4. The Estate Officer, Bihar State Housing Board, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Sinha, Sr. Advocate
For the Respondent/Board: Mr. Rabindra Kumar Priyadarshi

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 20-06-2019 The dispute as to the interest on Rs. 29,090/- is the

subject matter of the present writ application which remain

pending for five years.

The substantive matter was settled by the District
Consumer Forum on 13.5.2006. In terms of the order of District
Consumer Protection Forum, the petitioner was required to pay
Rs. 71,337/- after deducting of Rs. 29,090/-. The Housing Board
was paid Rs. 42,277/- by the petitioner after deducting Rs.
29,090/- but it appears that the Housing Board returned Rs.
29,090/- on the mistaken believe that Rs. 29,090/- was to be
returned to the petitioner in terms of the order of District
Consumer Protection Forum.

The petitioner received cheque of Rs. 29,090/- on
27.9.2006. However, the said amount was returned to the
Housing Board on 11.6.2013. The petitioner kept Rs. 29,090/- of



the Housing Board from 27.9.2006 to 11.6.2013 and as such the petitioner is liable to pay interest for the aforesaid period.

Since there is fault on the part of the Housing Board as well and as such in the present proceeding in order to scale justice the Court deem it fit and proper that in the totality of facts situation it would be appropriate that petitioner may pay Rs. 29,090/- in order to settle the entire disputes as to the payment of interest over the amount of Rs. 29,090/- which remained with the petitioner from 27.9.2006 to 11.6.2013.

Accordingly, the writ petition is disposed of with direction to the petitioner to pay Rs. 29,090/- in lieu of interest on keeping the amount of Rs. 29,090/- for the period 27.9.2006 to 11.6.2013 within one month and on receipt of the aforesaid amount the Housing Board is obliged to issue no dues certificate and thereafter take steps for execution of registered deed within a period of three months from the date of issuance of no dues certificate as indicated hereinabove.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

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