

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10246 of 2011

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PRABHAT SAHAY Son Of Late Nagendra Nath Sahay Residing Atflat No. 330, Satyam Apartment, Mohalla Nageshwar Colony, Boringh Road, P.O. Boring Road P.S. Budha Colony District Patna Presently Residing At Flat No. 803 Sapphine Heights Building 4 Lokhadwla Tonship Akurli Road Kandivali East Mumbai 4001101

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Bihar State Housing Board Through The Chairman Of The Said Board, 6 Mangles Road, Patna
3. Managing Director, Bihar State Housing Board 6 Mangles Road, Patna
4. Estate Officer,Bihar State Housing Board 6 Mangles Road, Patna
5. Seretary Bihar State Housing Board 6 Mangles Road, Patna
6. Executive Engineer, Bihar State Housing Board Patna Division -2 , Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Nath
For the Respondent/s : Mr. Prabhakar Jha, G.P.-27.
Mr. Mukund Mohan Jha, A.C. to G.P.27.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 12-04-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner is claiming that he is the heir of late Smt. Suniti Sahay. He submits that Bench of this Court has already directed for payment of interest in C.W.J.C. No.1199 of 2002 vide order dated 31.01.2009. He submits that Board is delaying the refund of amount and as such Board be saddled by exemplary cost.

Learned counsel appearing on behalf of the Housing



Board submitted that the the Board is ready to refund the amount but the petitioner has filed application in the prescribed format along with affidavit that the petitioner alone is the surviving heir of late Suniti Sahay or in case any other legal heirs are available, the petitioner is required to obtain no objection from other surviving members. In the event, such application as filed by the petitioner along with the affidavit, the Board is required to take appropriate decision and ensure refund of the amount deposited by late Smt. Suniti Sahay within a maximum period of three months.

With the aforesaid direction, this writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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