

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11239 of 2013

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Shiv Nandan Singh S/O Late Ambika Singh Resident Of Village - Deoharpur,
P.S. - Tekari, District - Gaya

... .. Petitioner/s

Versus

1. The Bihar State Housing Board through its Managing Director, 6 Mangles Road, Patna
2. The Chief Engineer, Bihar State Housing Board, Patna , 6 Mangles Road, Patna
3. The Estate Manager, Bihar State Housing Board, Patna, 6 Mangles Road, Patna
4. The Revenue Officer, Bihar State Housing Board, Patna, 6 Mangles Road, Patna
5. The Executive Engineer, Bihar State Housing Board, Gaya Division, A.P. Colony, Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Sinha
For the Board : Mr. Rabindra Kumar Priyadarshi

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 30-08-2019

The present writ petition has been filed for quashing the order dated 3.5.2013 issued by the Revenue Officer, Bihar State Housing Board, Patna (hereinafter referred to as the Board) whereby and whereunder the petitioner has been directed to deposit a sum of Rs. 22,86,462.72 by the month of May, 2013 for the purposes of revival of the already cancelled allotment.

2. The brief facts of the case are that a letter of allotment was issued to the petitioner herein dated 5.8.1992 by the Respondents-Board wherein the Board had raised a demand to



be paid for the purposes of handing over the possession of the flat in question and in Clause 5 thereof, it was stipulated that in case, the said sum of money is not deposited and the agreement is not entered into, the allotment shall stand cancelled automatically. The petitioner is said to have not deposited the entire amount of money and in the year, 2009, he had filed a representation dated 1.4.2009 before the Managing Director of the Respondents-Board that the petitioner be allowed to deposit the balance amount of Rs. 1,11,720/- as per the demand notice dated 21.5.1997. It is the case of the petitioner that the case of the petitioner was processed by the Respondents-Board, however, the Revenue Officer of the Board by the impugned order dated 3.5.2013 had raised a demand of Rs. 22.86 lakhs approximately and the petitioner was directed to deposit the same by the month of May, 2013.

3. The learned counsel for the petitioner submits that the demand so raised by the Respondents-Board vide letter dated 3.5.2013 is erroneous, arbitrary and baseless, hence, is fit to be quashed. It is submitted that the petitioner has already paid the amount, which was directed to be paid vide letter dated 21.5.1997.

4. Per contra, the learned counsel appearing for the Bihar



State Housing Board has submitted that the allotment in question had stood automatically cancelled on account of the petitioner having not paid the amount demanded from him within the stipulated time frame as per the Clause 4 of the allotment letter dated 5.8.1992 and it is intriguing as to why the petitioner kept sitting from 21.5.1997 to 1.4.2009 without paying the requisite amount demanded from him.

5. I have heard the learned counsel for the parties and perused the materials on record and I find that for no reason, the petitioner did not pay the amount demanded from him vide letter dated 21.5.1997 and only in the year, 2009, belatedly, the petitioner made a representation for deposit of the balance amount of Rs. 1,11,720/-, which is stated to have finally been deposited by the petitioner only on 1.4.2009.

6. This Court is of the view that since the petitioner had failed to deposit the amount demanded from him within the stipulated time frame as per the allotment letter dated 5.8.1992, the allotment of the flat in question made in favour of the petitioner had stood cancelled automatically, hence, the Board, upon receiving the representation of the petitioner dated 1.4.2009, had taken a benevolent view and had decided to revive the allotment, subject to payment of the cost as existing



in the year, 2013, of the flat in question and had thereafter demanded a sum of Rs. 22,86, 462.72, which the petitioner had failed to deposit. This Court finds that there has been gross laches on the part of the petitioner and the Board is not expected to wait forever for its allottee to deposit the amount / demand in question, rendering the entire exercise and the purpose of the Housing Board Scheme redundant.

7. In such view of the matter, this Court does not find that the petitioner is entitled to any relief, hence, the writ petition stands dismissed.

(Mohit Kumar Shah, J)

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AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	5.10.2019
Transmission Date	NA

