

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10309 of 2013

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Bimlesh Kumar Son of Badri Narayan Singh Resident of Village-Bisrampur,
P.O. Imamganj, P.S. Imamganj, District - Gaya

... .. Petitioner/s

Versus

1. The Bihar State Housing Board
2. The Managing Director, Bihar State Housing Board, Patna
3. The Executive Engineer-cum-S.D.O., Gaya Pramandal, Housing Road, Gaya
4. The Revenue Officer, Gaya Pramandal, Bihar State Housing Board, Sardar Patel Marg, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Satya Ranjan Sinha
For the B.S.H.B. : Mr. Anshuman Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 25-10-2019

The present writ petition has been filed for directing the respondent Housing Board to allot L.I.G. plot to the petitioner.

The brief facts of the case are that the petitioner had applied vide application form bearing no. 42768 on 09.12.1999 and deposited the application fees whereafter on 11.12.1999, the petitioner had deposited the earnest money. It appears that thereafter the petitioner was not allotted any plot, hence he has approached this Court for allotment of the plot in question.

The learned counsel for the Housing Board has filed a supplementary counter affidavit, in pursuance to the order of



this Court dated 20.06.2019 and it has been submitted that the respondent no. 2 has gone through the records and Lottery Register of Katari, Gaya from which it is apparent that the petitioner had applied for allotment of E.W.S. plot at Gaya whereupon the Housing Board had prepared a list of all the applicants and the petitioner was placed at serial no. 217. Thereafter, a Committee is stated to have been constituted comprising of four members under the chairmanship of the Divisional Commissioner, Magadh Division, Gaya in accordance with the provisions contained in Section 25(2) of the Bihar State Housing Board (Management and Disposal of Housing Estates) Regulation, 1983, whereafter, a meeting of the said Committee was held on 17.01.2006 for allotment of plots in different categories including the E.W.S. category and it was decided to allot 85 plots amongst the E.W.S. General category to 228 eligible applicants. It appears that pursuant to the aforesaid meeting of the Divisional Allotment Committee dated 17.01.2006, the respondent Housing Board published an advertisement dated 19.04.2006 in the local newspaper 'Hindustan' for holding Lottery of the E.W.S. plot at Katari, Gaya on 28.04.2006 and then the applicants including the petitioner herein had participated in the said Lottery



process, however, the petitioner failed to succeed whereupon the Bihar State Housing Board in its 245th meeting dated 29.11.2012 decided to refund the money of the failed applicants.

This Court, finds that there is no rebuttal of the said supplementary counter affidavit filed by the Housing Board by the petitioner, hence this Court is of the view that in the facts and circumstances of the present case, since the petitioner had failed to succeed in the draw of lots i.e. the Lottery held by the Divisional Committee, as aforesaid, no right has accrued to the petitioner for grant of E.W.S. plot, hence there is no merit in the present writ petition, accordingly, the same stands dismissed.

(Mohit Kumar Shah, J)

S.Sb/-

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Transmission Date	

