

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1815 of 2015

1. Kapil Kumar S/o Ram Ishwar Yadav
2. Mithilesh Kumar S/o Late Garib Tanti Both are residents of Mohalla.-Katari Hill,P.O-G.P.O.Gaya,P.S-Chandauti,Distt.-Gaya

... .. Petitioner/s

Versus

1. The Bihar State Housing Board
2. The Executive Engineer,Bihar State Housing Board,Gaya
3. The Estate Officer,The Bihar State Housing Board

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Housing Board : Mrs. Binita Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT
Date : 25-10-2019

The present writ petition has been filed on behalf of the petitioner for directing the respondent Housing Board to give possession of the plot of land after allotting the same in favour of the petitioners herein, for which the parents of the petitioner had applied.

The brief facts of the case are that the Housing Board had started a scheme for allotment of plots for construction of residential houses to the lower income group, middle income group and higher income group, particularly for those persons who did not own and possess any piece of residential land, in the year 1999. The mother of the petitioners had then applied and deposited money on 27.11.1999 for the purposes of grant of plot by the respondent Housing Board, however, it is the case of the petitioners that till date no plot has been allotted, hence, the petitioners have approached this Court.



Per contra, the learned counsel for the respondent Board, by referring to the supplementary counter affidavit filed on behalf of the respondents, in pursuance to the order of this Court dated 20.06.2019, has submitted that the respondent no. 1 has gone through the records as also the lottery register of Katari, Gaya and according to the same, the mother of the petitioners had applied for allotment of E.W.S. plot at Gaya, whereafter a list of applicants was prepared wherein the name of the mother of the petitioners figures at serial nos. 62 & 63. It is submitted that thereafter a committee was constituted comprising of four members under the chairmanship of Divisional Commissioner, Magadh Division, Gaya, in accordance with the provisions contained in the Bihar State Housing Board (Management and Disposal of Housing Estates) Regulation, 1983, whereafter meeting of the said Committee was held on 17.01.2006 for the purposes of making allotment of plots in different categories including making allotments under the E.W.S. category and the Committee decided to allot 85 plots amongst 228 eligible applicants coming under the E.W.S. category. It appears that an advertisement was published on 19.04.2006 in the local newspaper informing the applicants about draw of lots for the purposes of allotment of E.W.S. plots at Katari, Gaya on 28.04.2006. Thereupon draw of lots had taken place and the various applicants



including the mother of the petitioners had participated, however, the mother of the petitioners could not succeed in the said lottery held by the said Committee and then the Bihar State Housing Board, in its 245th meeting held on 29.11.2012, decided to close the process and refund the money of the unsuccessful applicants.

The petitioners have not filed any reply to the said supplementary counter affidavit filed on behalf of the respondent nos. 1 to 3, hence the aforesaid facts and circumstances stated by the respondents stand un rebutted, as such, it is an admitted position that mother of the petitioners had failed to succeed in the draw of lots i.e. the lottery process, hence no allotment was made in favour of the mother of the petitioners. Thus, it is amply clear that no allotment can be made in favour of the petitioners herein.

Having regard to the facts and circumstances of the case and for the reasons mentioned herein above, I do not find any merit in the present writ petition. Accordingly, the same stands dismissed.

(Mohit Kumar Shah, J)

S.Sb/-

AFR/NAFR	N/A
CAV DATE	N/A
Uploading Date	14.11.2019
Transmission Date	N/A

