

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25487 of 2013

=====

Ram Rani Devi @ Ram Rani Wife of Basukinath Rajhansa Resident Of
Rajhansa Mansion, New Babupara, P.S. District - Dumka Jharkhand

... .. Petitioner/s

Versus

1. The Bihar State Housing Board
2. The Managing Director, Bihar State Housing Board, Patna
3. The Land Estate Officer, Bihar State Housing Board, Patna

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Pramod Mishra
For the Respondent/s : Mr.Anil Kumar Sinha

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 02-07-2019 Reg: I.A. No. 3726 of 2015

The present I.A. has been filed by the husband of the
deceased petitioner who died on 22.01.2015.

I.A. No. 3726 of 2015 is allowed and the Registry is
directed to substitute the name of the deceased petitioner with
her legal heir who is the husband of the deceased, details
whereof has been given in paragraph no. 3 of the present I.A.

Reg: CWJC No. 25487 of 2013

The present writ petition has been filed for directing
the respondents to pay interest on the earnest money deposited
with the respondent Housing Board amounting to a sum of Rs.
6500/- which stood deposited on 25.03.1992. The original
petitioner is stated to have been allotted the house under the
category of Middle Income Group vide letter dated 26.12.2000
instead of a house under the High Income Group category and



despite various representations made, the Housing Board failed to respond and ultimately issued a letter dated 31.07.2009 to provide all the documents so that the advance money of the petitioner could be returned whereafter the relevant documents were sent by the original petitioner immediately but the amount in question was ultimately paid after a legal notice was issued by the Advocate of the petitioner in the year 2013 after making deduction of 15 per cent amount.

The learned counsel appearing for the Housing Board submits that in case an applicant/allottee does not want to avail the facility of the housing scheme, the amount in question, deposited by way of earnest money/application money is refunded after making deduction of 20 per cent amount and, accordingly, a sum of Rs. 5200/- has been refunded to the original petitioner after making deduction of 20 per cent.

Per contra, the learned counsel for the original petitioner has referred to Regulation 45 of the Bihar State Housing Regulation, 1983, wherein simple interest of 5 per cent is payable on the amount of earnest money deposited by the applicant. The learned counsel for the original petitioner has also referred to a judgment rendered by this Court as reported in 2009(3) PLJR 287 (*Satya Marandi vs. State of Bihar*).



Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Housing Board to pay simple interest @ 5 per cent on the aforesaid sum of Rs. 5200/- with effect from 26.12.2000, the date on which wrong allotment was made to the original petitioner inasmuch as she was offered a Middle Income Group category house instead of High Income Group category house as proposed by the Housing Board, up to the date of payment of the aforesaid amount of Rs. 5200/-, which has been refunded after deducting 20 per cent. It is further directed that the aforesaid amount of interest be calculated and a cheque be issued in the name of the substituted legal heir of the original petitioner, namely, Baski Nath Rajhans within a period of eight weeks from today, failing which the Managing Director, Bihar State Housing Board, Patna shall not draw his salary.

The writ petition is disposed off with the aforesaid direction.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

