

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.373 of 2016

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Rakesh Kumar Sinha son of Late Madan Mohan Prasad Sinha, resident of
Mohalla- Maranpur Brahmasthan P.S. Bishnupath Dist- Gaya.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vivekanand Vivek, Adv.
For Housing Board : Mr.Suman Kr. Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 08-08-2019

The present writ petition has been filed for directing

the respondent Housing Board to hand over possession of the

allotted plot as per allotment order dated 27.04.2006.

The brief facts of the case are that the petitioner had

applied for allotment of plot under the Low Income Group at

Gaya town in the year 1982 and had deposited necessary fee,

whereafter the respondent Housing Board vide letter dated

30.04.2006 had allotted a plot bearing Plot No. K/5/LP-41 and

the petitioner was directed to deposit a sum of Rs.21,240/- plus

a sum of Rs. 200/- for registration fee on or before 07.07.2006.

The petitioner had then deposited the said amount on



05.06.2006 itself, however, till date the plot in question has not been allotted to the petitioner.

The learned counsel appearing for the respondent Housing Board, referring to the counter affidavit filed in the present case has submitted that since the plot in question was in quadrilateral shape and adjacent to the road, therefore, the same could not be measured and the possession could not be handed over to the petitioner herein.

I have heard the learned counsel for the parties and considered the facts and circumstances of the case and I find that the respondent Housing Board has not denied the fact that the allotment of the petitioner made by letter dated 27.04.2006 has not been cancelled, hence, it is incumbent upon the respondent Housing Board to handover possession of the plot in question to the petitioner, but even after lapse of 13 years, the plot in question has not been handed over to the petitioner which depicts sheer slackness on the part of the respondent Housing Board. It is directed accordingly.

It is needless to state that in case the project regarding the plot in question has been abandoned, the Housing Board will be free to allot an alternative plot, in the same vicinity, and hand over the possession to the petitioner. Thus, the



respondent Housing Board is directed to hand over, either, the plot in question or the alternative plot to the petitioner within a period of eight weeks from today.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

Tiwary/-

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

