

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2033 of 2019

Anita Agrawal W/o Bajrang Singhal Aged About 45 Years R/o M.I.G.
-18, Chiranjivi Das Nagar, Housing Board Colony, Raigarh, District :
Raigarh, Chhattisgarh

---- Petitioner

Versus

1. Chhattisgarh Housing Board, Through Commissioner, Head
Office Paryawas Bhavan Sector -19, North Block Atal Nagar, Raipur
Chhattisgarh.
2. Competent Authority Through Chhattisgarh Housing Board,
Circle Bilaspur Chhattisgarh.
3. Executive Engineer, Chhattisgarh Housing Board, Raigarh
Chhattisgarh.
4. Asset Manager Chhattisgarh Housing Board, Raigarh
Chhattisgarh.

---- Respondents

For petitioner – Shri Anup Majumdar, Advocate.
For respondents- Shri Sanjay Patel, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

24/06/2019

Heard.

1. Instant petition is against the order dated 2/03/2019 Annexure
P-1 wherein order has been passed against Gopi Ram Agrawal and he
has been directed to vacate a house bearing MIG No.21 at Chiranjiv
Das Nagar, Kohakunda, Raigarh.
2. Learned counsel for the petitioner would submit that the present
petition is filed pursuant to the order dated 2/03/2019 which too was
passed against late Gopi Ram Agrawal whereby he has been directed
to pay an amount of Rs.31 lakhs. It is contended that the petitioner is
the daughter-in-law of Gopi Ram Agrawal and late Gopi Ram Agrawal

was allotted a house out of which the half of the amount of consideration of Rs.4 lakhs or odd was paid. Subsequently, due to the flood the house was merged. Consequently, deceased could not pay the rest of the installment. Eventually which resulted into order dated 2/03/2019. It is further submitted that the order is passed against dead person which is a nullity and could not be executed consequently as on the date of passing of the order Gopi Ram Agrawal was dead. He further submits that the cost of the house was Rs.04,11,919/- and out of which 50% has already been paid whereas the recovery notice served wherein demand of Rs.31 lakhs has been made that too against the dead person.

3. Perusal of the order dated 2/03/2019 filed as Annexure P-1 would show that it was passed on 2/03/2019 against Gopi Ram Agrawal who is admittedly to be dead on the date. The order has been passed by the competent authority C.G. Housing Board. The Housing Board has passed the order under the Act C.G. Grih Nirman Mandal, Adhiniyam,1972 and order has been passed by the quasi judicial authority. Therefore, the order which has passed against a dead person it would be nullity. Consequently, order dated 2/03/2019 is set aside. The respondents shall be at liberty to initiate fresh action against the legal representative of the allottee and who in turn shall also be at liberty to raise all the grounds including the ground about the consideration paid which was primarily focused in this petition.

4. In the result, petition is allowed. Order dated 2/03/2019 is quashed on the ground as aforesaid.

Sd/-

(Goutam Bhaduri)

JUDGE

