

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22515 of 2018

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Gorakh Nath Tiwary, Son of Late Nathuni Tiwary, President, Margdarshan Samiti, Madhuban Housing Society, Resident of 2/24 Madhuban Housing Society Complex, Lohia Nagar, Kankarbagh, P.S. Kankarbagh, Distt.-Patna

... .. Petitioner

Versus

1. The State Of Bihar through Chief Secretary, Old Secretariat, Patna.
2. Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Vikash Bhawan, Bailey Road, Patna.
3. Bihar State Housing Board through its Managing Director, 6, Sardar Patel Marg, Patna.
4. Managing Director, Bihar State Housing Board, 6, Sardar Patel Marg, Patna.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Deepak Kumar, Adv.
For the Respondents : Mr. Lalit Kishore, AG

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-01-2020 The petition filed on 26.11.2018 is listed for hearing
for the first time today before the Court.

Heard learned counsel for the petitioner and learned
counsel for the respondents.

Petitioner has prayed for the following reliefs:

“(i) For issuance of an appropriate writ/writs, order
or direction commanding the Respondent Bihar State
Housing Board to cancel the allotment/lease/hire
purchase agreement of the flat/land of the
allotees/lease holders of the flat/land, within a fixed
time frame, who despite several reminders by Bihar



State Housing Board are in default of payment since last more than 20 years or since the time of allotment/lease agreement.

(ii) And further be pleased to direct the Bihar State Housing Board to cancel the allotment/lease of flats, whose owners in contravention of the rules/regulations of the Bihar State Housing Board and in contravention of the conditions of the conveyance deed have sub-let their flats on rent, doing commercial activities in residential flats and made major alternations in their flats without permission of the Bihar State Housing Board jeopardizing the safety and security of the building.

(iii) And further be pleased to direct the Bihar State Housing Board to complete the allotment process of those flats which were completed several years ago, within a fixed time frame of three months, as due to non allotment of flats to bonafide persons, flats are either lying vacant or are in illegal occupation since last several years.

(iv) And further be pleased to direct the Bihar State Housing Board to allot the flats of defaulter allottees to tenants residing in those flats and realize the amount from those tenants, if they are willing to purchase the flat.”

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the concerned respondents to consider and decide the representation, which the petitioner shall be



making afresh within a period of four weeks from today.

Learned counsel for the State states that upon receipt of such request, if any, the same shall be dealt with in accordance with law, expeditiously and positively within a period of three months from the date of receipt thereof.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

P.K.P./-Rajeev
Kumar

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