

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2190 of 2020

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Birendra Kumar Sinha, Son of Late Akhileshwar Kumar Sinha, Resident of M I G House No. 149, Lohia Nagar, P.s. Kankarbagh, Patna 800020, District Patna.

... .. Petitioner/s

Versus

1. The Bihar State Housing Board Patna through its Managing Director.
2. The Managing Director, Bihar State Housing Board, 6 Mangles Road, Patna.
3. The Estate Officer, Bihar State Housing Board, Patna.
4. The Revenue Officer, Bihar State Housing Board, 6 Mangles Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mrs.Prakritita Sharma, Advocate
For the Respondent/s : Mrs.Sarita Bajaj, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 12-04-2021 Counsel appearing on behalf of the Bihar State Housing Board submits that the son and daughters of the petitioner have raised objection on execution of deed in favour of the petitioner as free hold on deposit of Rs. 18,95,667/- as demanded by the Bihar State Housing Board.

Learned counsel for the petitioner submits that in self acquired property the son and other legal heirs have absolutely no role to play and the Housing Board is acting arbitrarily in executing the deed and declaring the property as free hold despite realizing the amount.

In the present case on behalf of the Housing Board a plea has been taken that the petitioner has acquired the property



out of the ancestral fund and as such the transfer in favour of the petitioner is impermissible. There is no such material on record to substantiate the aforesaid stand of the Housing Board. The pendency of title suit filed on behalf of the son or other legal heirs is no ground not to declare the property as free hold property.

The Court does not find any substance in the submission made on behalf of the Housing Board. The plea is absurd plea. The Housing Board is hereby directed to execute the deed for free hold in favour of the petitioner if not already executed till date within a maximum period of one month or the Housing Board will refund the entire amount with 25% interest from the date of deposit till the date of actual payment and also pay a cost of Rs. 3/- lacs to the petitioner, who has been compelled to undertake the litigation even at the age of 84 years.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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