

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1677 of 2019

In

Civil Writ Jurisdiction Case No.10309 of 2013

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Bimlesh Kumar, Son of Badri Narayan Singh, Resident of Village- Bistrampur,
P.O.- Imamganj, P.S.- Imamganj, District- Gaya.

... .. Appellant/s

Versus

1. The Bihar State Housing Board 6-Sardar Patel Marg, Patna- 800015 through its Secretary.
2. The Managing Director, Bihar State Housing Board, Patna.
3. The Executive Engineer-cum-S.D.O., Gaya Pramandal Housing Road, Gaya.
4. The Revenue Officer, Gaya Pramandal Bihar State Housing Board, Sardar Patel Marg, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Satya Ranjan Sinha, Adv.

For the Housing Board : Ms. Tanuja Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE NAWNEET KUMAR

PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 01-12-2022

Heard Mr. Satya Ranjan Sinha, the learned

Advocate for the appellant and Ms. Tanuja Mishra, the



learned counsel for the respondent/Housing Board.

2. The appellant, being aggrieved by the order dated 25.10.2019, passed in C.W.J.C. No. 10309 of 2013, has come up before this Court, but has limited his prayer to the refund of his money with interest which is still lying with the authorities, even when he has not been selected from being allotted a plot of land under EWS category.

3. Regardless of the fact that such a prayer was not made before the learned Single Judge, who was only called upon to see as to why plot of land was not given to the appellant, but on finding that when in the draw of lots, the petitioner was not selected, he was required to be paid the money deposited by him.

4. There also appears to be a public declaration of the authorities that all those candidates who could not be allotted land, shall be returned their money.

5. Under the aforesaid circumstances, we



only direct that in case the appellant approaches the authority concerned for refund of money deposited by him for allotment of a plot of land under EWS category, that shall be returned to him, if there is no other objection. The authority shall also consider whether the petitioner is entitled to interest on the said amount, as it has been lying with the authorities for a long time by now.

6. The appeal stands disposed off with the aforesaid observation.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

Praveen-
II/Anuradha

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