

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1904 of 2017

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Shashi Bhushan Singh, Son of Late Nandan Prasad Singh, resident of Mohalla- K/504, Hanuman Nagar, State Bank Road Near Ujwal Palace Apartment, P.S. - Kankarbagh, District- Patna (Bihar).

... .. Petitioner/s

Versus

1. Bihar State Housing Board through its Managing Director, Mangles Road, Patna.
2. Housing State Officer, Bihar State Housing Board, Patna, Mangles Road, Patna.
3. The Executive Engineer, Bihar State Housing Board, Patna Division No. X, Kankarbagh, Patna.
4. BHU - Smapada Padadhikari, Bihar State Housing Board, Mangles Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Archana Sinha @ Archana Shahi, Advocate
For the Respondent/s : Mr. Raj Nandan Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 16-05-2023

Heard Mrs. Archana Sinha @ Archana Shahi, learned counsel representing the petitioner and Mr. Raj Nandan Prasad, learned counsel for the Bihar State Housing Board.

2. Having heard the parties and considering the materials available on record, prima facie, it appears that the entire action of the respondent Bihar State Housing Board (hereinafter referred to as the 'Board') is nothing but to nullify the effect of the earlier order passed by this Court dated 30.11.2006 in C.W.J.C. No. 4408 of 2000 wherein the mother of the petitioner had approached before this Court for possession of the MIG plot no. V/684 and to execute the final transfer deed in her favour, which was earlier allotted to her husband, late



Nandan Prasad Singh. The learned Court having taken into consideration the fact that the land, which was initially allotted in favour of the petitioners' father, had been encroached by some unscrupulous persons, as submitted by the respondents, directed the petitioner either to accept the refund of the amount with interest or to accept the alternative plot no. K/504, offered by the Board. On the offer made by the Board, the mother of the petitioner accepted the offer of the alternative plot and deposited the entire amount against the allotted plot, bearing no. K/504 Lohianagar.

3. It would also be worth mentioning here that having opted for purchasing the alternate plot, when request was made to accept the rest of the due amount, the respondent Board came out with letter dated 11.10.2007 directing for deposit of enhanced amount of Rs.6,00,000/- against the plot. Mother of the petitioner again compelled to approach this Court in C.W.J.C. No. 15658 of 2007, which was disposed of with a direction to approach before the Pricing Committee of the Board. The Pricing Committee accepted the claim of the petitioner and directed to deposit the rest of the amount as per prescribed old rate.

4. It is the further case of the petitioner that after



deposit of the entire amount pursuant to the observation made by this Court, her mother submitted an application as contained in Annexure-5 to the writ petition for registry of the said plot (K/504 Lohianagar). Despite the deposit of the amount against the plot no. K/504 and fee for registration, the registration of the transfer deed has not been done and all of a sudden the Board came out with an order, as contained in Annexure-6 to the writ petition, which reveals that the Board came out with an order that earlier decision taken in the 249th meeting of the Board was not valid and hence they have invalidated the decision taken in the 249th meeting, allotting the plot No. K/504 in favour of petitioner's mother.

5. The petitioner has left with no option, approached this Court. It would be worth noticing that the mother of the petitioner died in the year 1916.

6. This Court having found the decision taken in 249th meeting of the Board as patently illegal, vide its order dated 12.04.2023 directed the Managing Director of the Board to resolve the dispute, in question and file counter affidavit.

7. A peculiar stand has been taken by the Board in its counter affidavit wherein the authorities of the Board discussed the matter and request has been made to the High Court to pass



order, whereupon the matter would be placed before the Board to pass an order in compliance of the order of this Court.

8. It is needless to observe that neither the order passed by this Court dated 30.11.2006 in C.W.J.C. No. 4408 of 2000 has ever been challenged nor it has been modified till date and in compliance of the aforementioned order of this Court an alternative plot was allotted in favour of the mother of the petitioner, which was accepted by her way back in the year 2007 itself, hence there is no question of withdrawing the earlier decision taken by the Board in its meeting no. 249, almost after about a decade effecting the right and entitlement of the petitioner, behind his back.

9. This Court also finds substance in the submission of the petitioner that entire amount against the plot No. K/504 had already been deposited way back in the year 2013 itself and thereafter the fees for registration has also been deposited in the year 2013 itself, but the respondents kept seated tight over the matter and instead of registration of the transfer deed, they came out with the impugned order, which in any view of the matter is not justified and sustainable in law as well as on facts.

10. Accordingly, this Court has left with no option but to quash the impugned orders dated 19.10.2016 issued by the



respondent no.4, as also the letter dated 31.03.2015 issued by the Secretary of the Board regarding cancellation of plot no. K/504 Lohianagar and further directs the respondent no.1 to ensure registration of the lease deed in favour of the petitioner, who happens to be the son of late Madhuri Devi, in whose favour the allotment was made.

11. It is needless to say that the entire process must be completed within a period of two months from the date of receipt/production of a copy of this order.

12. Accordingly, the present writ application stands disposed of with the aforesaid directions and observations.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.05.2023
Transmission Date	

