

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1625 of 2018

In

Civil Writ Jurisdiction Case No.2519 of 2016

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Sheshmani Upadhyay Son of Late Uday Raj Upadhyay, at Present residing at
Flat No. 553, Lal Bahadur Shastri Nagar, P.S. Shashtri Nagar, District - Patna
800023

... .. Appellant/s

Versus

1. The State of Bihar
2. The Chief Secretary, Government of Bihar, Patna
3. The Principal Secretary, Urban Development Department, Government of Bihar, Patna
4. The Bihar State Housing Board, 6, Sardar Patel Marg, Patna, through its Managing Director
5. The Managing Director, Bihar State Housing Board, 6, Sardar Patel Marg, Patna
6. The Bhu Sampada Padadhikari, Bihar State Housing Board, 6, Sardar Patel Marg, Patna
7. The District Magistrate, Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ravindra Kr Sinha No.2, Advocate
For the Respondent/s : Mr. Pawan Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-07-2023

The appellant seeks settlement of barren land adjacent to MIG Flat No. 108 and Bajaj Service Centre; which application before the 4th respondent was rejected. The appellant claimed before the learned Single Judge that the barren land is one, which could be used by a middle class family for residential purposes and the appellant belonging to the middle



class, request a property for construction of a residence. He filed an application before the Secretary, Rural Development Department, Government of Bihar for settlement of the land in his favour, followed up with identical applications before the District Magistrate, Patna and Chief Secretary, Government of Bihar. The applications of the appellant were forwarded to the Special Officer, Urban Department and Housing Department, Bihar and the Secretary, Bihar State Housing Board, Patna, which were rejected without proper consideration. Again the appellant filed an application before the Managing Director, Bihar State Housing Board, which was also rejected.

2. The learned Single Judge accepted the contention of the State Housing Board that there is a procedure delineated for allotment of land; which can only be by inviting public bid and settling the land on the person, who offers the price stipulated by Housing Board or the best bid. **Selvi J. Jayalalithaa & Ors Vs. State of Karnataka & Ors**, reported in **2014 (1) PLJR (SC) 531** was quoted to reiterate the principle of doing an act in the manner in which it is prescribed in the statute and not otherwise.

3. We find absolutely no reason to interfere with the judgment of the learned Single Judge as has been rightly



found that the allotment of land by the Housing Board, which is a public body can only be done after due public notice permitting the public in general to participate in such allotment. No person can claim settlement of lands by the Housing Board merely on his request and on his showing that he does not have a residential house. There can be no such benefit conferred on an individual by a welfare State. The Housing Board is an instrumentality of the State intended at the welfare of the public in general.

4. We repeatedly queried the learned counsel to show us the statutory provision on which he places reliance to enable the allotment, the appellant seeks for. The learned counsel evaded the question and we find absolutely no statutory right conferred on the appellant to make the claim he has made in the writ petition.

5. The appeal would stand dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

aditya/-

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