

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8159 of 2021

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Ramesh Pathak sonof Late Sita Ram Pathak resident of village Akauna, P.S. - Barhara, District - Bhojpur, at present resident of Gokul Path, Patel Nagar, P.O. and P.S. - Shashtri Nagar, District- Patna -23.

... .. Petitioner/s

Versus

1. The Bihar State Housing Board through its Secretary, Sardar Patel Marg, Patna.
2. The Managing Director, Bihar State Housing Board, Patna.
3. The Secretary, Bihar State Housing Board, Patna.
4. The Estate Manager, Bihar State Housing Board, Patna.
5. The Chief Account Officer-cum-Finance Officer, Bihar State Housing Board, Patna.
6. The Chief Engineer, Bihar State Housing Board, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amit Kumar Singh, Advocate.
For the B.S.H.B. : Mr. Jitendra Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 12-01-2023 Heard the parties.

Petitioner has filed the present writ petition for the
following reliefs:

(i) To quash the Order dated 10.01.2020 contained in Memo No. 158 of the Estate Manager, Bihar State Housing Board, Patna by which the claim of petitioner for allotment of Plot No. 4M/52 situated in Bahadurpur, Patna has been rejected on the ground that the petitioner failed to produce the documents related with decision for allotment of Plot No. 4M/52 to the petitioner by special circumstantial orders.

(ii) To direct the Respondents to allot Plot No. 4M/52 situated in Bahadurpur, Patna to the petitioner in as much as the Plot No. 4M/52, which was decided to be allotted to the petitioner under Special category by special order in special circumstances is still vacant and no third right has till date been created.



(iii) Any other relief to which the petitioner be found entitled in the eye of law.

Learned counsel appearing on behalf of the petitioner submitted that he had deposited Rs.2000/- as earnest money and Rs.50/- towards Registration Fee to the Bihar State Housing Board and referred Annexure-2 and 1 in support of depositing earnest money and Registration Fee respectively.

The petitioner restricts his grievance to the effect that he must be paid due interest on the said amount which has been retained by the Bihar State Housing Board from the date he had deposited the money i.e. 07.11.1981. Till date the respondent-Bihar State Housing Board has neither returned the earnest money in spite of the petitioner having applied for the same in the year 1981 itself nor they have allotted any plot to the petitioner, though plot no. 4M/52 situated at Bahadurpur, Patna was earmarked to be allotted to the petitioner by the then Chairman, Bihar State Housing Board under his discretionary quota on the basis of recommendation of the Chief Minister Secretariat. Learned counsel further submitted that though the petitioner restricts his prayer to the extent that he must be given interest at the same rate which they are charging for any default made by the allottee with whom the Housing Board enters into hire-purchase agreement.



Mr. Jintendra Kumar, learned counsel appearing on behalf of the respondent - Bihar State Housing Board submitted that the present writ petition is not maintainable. Petitioner's claim can only be decided by the competent civil court by filing money suit.

Heard the parties.

The respondent - Bihar State Housing Board is directed to dispose of the representation, if any, filed on behalf of the petitioner within a period of four weeks.

With the aforesaid observation and direction, the writ petition stands disposed of.

(Purnendu Singh, J)

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