

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.411 of 2019

In
Civil Writ Jurisdiction Case No.11680 of 2015

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Biresh Kumar Sinha Son of Sri Shashi Bhushan Kumar Sinha resident of
Mohalla- Mashraf Bazar, P.O. Lalbag, Ward No. 19, Dist. Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar Through Principal Secretary, Revenue Department, Govt. of Bihar, Patna.
2. Divisional Commissioner Darbhanga.
3. The District Magistrate Darbhanga.
4. Municipal Commissioner Darbhanga Municipal Corporation, Darbhanga.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. D.K. Sinha, Sr. Advocate Mr. Ray Saurabh Nath, Advocate Mrs. Manjari Nath, Advocate
For the Respondent/s	:	Mr. Md. Khurshid Alam, Advocate
For the Municipal Corporation	:	Mr. Bindhyachal Rai, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

18 07-11-2023 The appellant is before this Court challenging the order of the learned Single Judge refusing to entertain the writ petition on the ground that there was considerable delay in approaching this Court for the purpose of allotment of a residential plot by the Darbhanga Regional Development Authority.

2. The learned Senior Counsel for the appellant submits that in fact, the writ petition was filed for



implementation of Annexure-7 order issued by the Vice-Chairman of the Authority which directed that the plot be registered in his name. It is submitted that the entire amount has been paid and even now the authority which was substituted with the Municipal Corporation does not have any objection in the allotment, but only insists for payment of the present Market Value Rate (MVR) prescribed under the rules by the Government of Bihar.

3. We heard the learned counsel for the Respondent-Municipal Corporation and also the learned Government Pleader.

4. The learned Standing Counsel for the Corporation submits that in fact the amounts were to be paid within 1997 and there was considerable delay in paying up the full amount. Even according to the appellant, the entire amounts were paid only in the year 2001. In such circumstances, there was absolutely no way that the allotment could be made and the order passed under Annexure-7 also could not be implemented since it was against the rules provided for allotment.

5. We have gone through the records and we find that the admitted case is that initially the appellant deposited only a sum of Rs. 12,920/- on 27.03.1997 vide Annexure-4. The entire



amounts were deposited by the appellant, admittedly by Annexure-5 in the year 2001. In such circumstances, there is a considerable delay in making the payments as per the rules of allotment and it is not within the time stipulated. Annexure-7 issued was in the year 2006 specifically on 06.12.2006. The appellant in fact has a case that after issuance of Annexure-7 on 06.12.2006, again on 22.12.2006 by Annexure-8, he approached the authority seeking for consideration of the allotment on payment of the balance dues. Even at that point the appellants claim was only for allotment on the basis of the MVR as of the year 2006.

6. We find considerable force in the finding of the learned Single Judge that from the year 2006 to the year 2014, the appellant did not take any steps to ventilate his grievance. The appellant let the matter rest after the order was issued in the year 2006 and probably as an after thought and/or advise received, filed the petition, long after, in the year 2015. The delay is considerable and the allotment had been made in the year 1997 and the entire amounts were not paid up in time. Even now, the Corporation has offered to grant the allotment if the rates as prescribed today are paid.

7. If the appellant is desirous of the allotment, the



appellant shall approach the Authority with a representation within two weeks from the date of disposal of this writ petition and the Authority shall within two weeks thereafter communicate the amounts (as per the present MVR) that has to be deposited, also specifying the period in which such deposit has to be made. In directing such deposit to be made, the Authority shall also reckon the amounts already paid, though with delay. If thus the amounts now demanded is paid, definitely the allotment shall be made of the plot if it is still available for allotment.

8. With the above reservation & observation, the appeal stands dismissed.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

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