

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14801 of 2015

=====

Dr. Pawan Kumar Jha Son of Dr. Rajendra Jha, Senior Medical Officer,
Centre Hospital, Dhanbad (Jharkhand), resident of Jagjiwan Nagar, Dhanbad

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Urban Development and Housing Department, Government of Bihar, Patna.
2. The Principal Secretary, Department of Urban Development and Housing Department, Government of Bihar, Patna.
3. The Bihar State Housing Board through its Managing Director.
4. The Managing Director, Bihar State Housing Board, Patna.
5. The Executive Engineer, Bihar State Housing Board, Patna, Division- 2, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Binay Kant Mani Tripathi, Adv.

Mr.Pawan Kumar Mishra, Adv.

For the Respondent/s : Mr. Rabindra Kumar Priyadarshi, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date : 22-08-2023

The present writ petition has been filed seeking quashing of the letter dated 6.4.2015, issued by the Executive Engineer, Bihar State Housing Board, Patna, whereby and whereunder the petitioner has been directed to deposit a sum of Rs. 4,07,156.09, in connection with the flat allotted to him bearing K.S.FA No. 3-2/24, by the month of February, 2015, failing which the



allotment shall be cancelled.

2. The brief facts of the case, according to the petitioner, are that the petitioner had applied for allotment of a flat, upon an advertisement having been issued by the Bihar State Housing Board, Patna and had also deposited the registration charges and earnest money for the said purpose, whereafter the Respondent Board had allotted the aforesaid flat in question, situated at Lohiyanagar, Patna, to the petitioner herein.

3. It is submitted by the learned counsel for the petitioner that the price, fixed for the aforesaid flat, was a sum of Rs. 4,60,560/-, which was duly paid by the petitioner, however, subsequently, the Revenue Officer, Bihar State Housing Board, Patna, vide letter dated 30.10.2001, had raised a demand of Rs. 74,748/-, an amount stated to be outstanding for payment up to the month of 31.12.2001. It is the contention of the petitioner that Hire Purchase agreement was executed in between the petitioner and the Board long back on 6.6.1996, whereupon the entire outstanding amount, due for payment had been paid, however, still the Respondents are bent upon extracting further sums of money.

4. *Per contra*, though the learned counsel appearing for the Respondent-Bihar State Housing Board, Patna, has submitted



that the aforesaid sum of Rs. 4,60, 560/- was a tentative amount and thereafter, the Respondent-Bihar State Housing Board, Patna, had fixed the final price and raised demand for the outstanding amount, upon the petitioner, along with interest, which totals upto a sum of Rs. 4,07,156.09/-, as in the year, 2015, nonetheless, he is not averse to the idea of the matter being remanded to the Pricing Committee for final accounting.

5. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioner to file his objections / representation before the Pricing Committee, Bihar State Housing Board, Patna, within a period of six weeks from today, whereupon the Pricing Committee, Bihar State Housing Board, Patna, shall pass a reasoned & a speaking order thereon, in accordance with law, within a period of six weeks, thereafter.

6. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.8.2023
Transmission Date	NA

