

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8115 of 2022

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Sudha Ranjan Singh, S/o Late Thakur Prasad Singh, R/o Near Residence of
Dr. Manju Mala, 161, Anand Vihar Colony, Mustafabad, Gaya - 823001.

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Urban Development and Housing Department, Patna.
2. The Bihar State Housing Board, through its Managing Director.
3. The Real Estate Officer, The Bihar State Housing Board, Patna.
4. Executive Engineer, The Bihar State Housing Board, Division - Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjay Kumar Singh, Advocate Mr. Wasi Mohammad, Advocate
For the Housing Board	:	Mr. Suman Kumar Mishra, Advocate
For the Respondent/s	:	Mr. Yogendra Prasad Sinha, AAG- 7

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-01-2023 Heard Mr. Ranjay Kumar Singh, learned counsel for

the petitioner, Mr. Suman Kumar Mishra, learned counsel for

the Housing Board and Mr. Yogendra Prasad Sinha, learned

AAG-07 for the State.

In the present writ application, the petitioner has
prayed for following relief:

*(i) To issue an appropriate writ, order or
direction to the concerned Respondents, in the
nature of mandamus, for allotment of Middle-
Income Group, Plot No. M.P.114, situated at
Shaheed Bhagat Singh Nagar (Mustafabad),
Gaya in favour of the petitioner, pursuant to
Letter No. 2679 dated 13.04.2011 issued by
Respondent No.3.*

*(ii) To issue an appropriate writ, order
or direction to the concerned Respondents*



directing them to exclude the aforesaid Plot No. M.P. 114 from Resolution No. 262 dated 22.05.2013, issued by Urban Development and Housing Department, Government of Bihar.

(iii) To grant any other relief or reliefs, under the facts and circumstance of the case, to which the petitioner is entitled.

Learned counsel appearing on behalf of the petitioner submitted that petitioner had applied pursuant to the advertisement for allotment of Middle Income Group Plot situated at Shaheed Bhagat Singh Nagar (Mustafabad), district Gaya. As per draw of lottery held on 23.09.2003, the petitioner was allotted plot no. M.P. 114 and pursuant to the same allotment letter was sent to the petitioner to deposit an amount of Rs. 57,785/- by 24.10.2003 and obtain allotment order by 08.11.2003 along with all relevant documents before Gaya Division by 24.11.2003 and get the agreement registered.

The learned counsel further submitted that petitioner could not deposit the amount along with relevant documents by 24.11.2003 as he was seriously ill and had to undergo treatment and in this regard petitioner has brought on record certain medical reports duly conducted at Urology Department of All India Institute of Medical Sciences.

After the petitioner became well after undergoing treatment for considerably long period of time, he submitted an



application to the Samadhaan Centre for reviving his allotment of plot no. M.P. 114 and showing his willingness to deposit the requisite registration fee as per the market value rate by depositing the amount in lump-sum at one point of time and is entitled for same as per the important notice **“In daily Newspaper”** giving opportunity to those allottees, who had failed to deposit requisite amount within the time prescribed and revive the allotment as per the rules of the Board till the 31.01.2013, the time prescribed in that regard.

Learned counsel further submitted that in spite of his willingness and repeated representation made on several dates and the fact that the plot no. M.P. 114, is still vacant, the authorities has not taken action to allot the said plot and register the plot no. M.P. 114 in the name of the petitioner.

Learned counsel appearing on behalf of the Bihar State Housing Board submitted that the Government has already taken a policy decision to construct flats due to the laches of the petitioner and other such allottees, who have not deposited requisite amount within stipulated time, in spite of, extension of time. In such circumstances, the claim of petitioner has become time barred and the writ petition deserves to be dismissed.

Considering the rival submissions of the parties, pleadings made in the writ petition and the relevant documents,



prima facie it appears that the plot no. M.P. 114 (Middle Income Group Plot) allotted to the petitioner is still vacant. The petitioner has made specific statement in the writ petition that he is ready to deposit at one time the remaining amount calculated as per the current market value rate (MVR) in light of the announcement made in the year 2013.

Taking into consideration the specific plea made on behalf of the petitioner, the petitioner, if so advised, may file his detailed representation before the Managing Director, Bihar State Housing Board in support of his claim within a period of three weeks. The Managing Director, Bihar State Housing Board, is directed to look into the matter. In case record shows that the plot no. M.P. 114 (Middle Income Group Plot) allotted to the petitioner is still vacant, then in that case, he may consider to register the same on such terms and conditions in accordance with law, considering the fact that the petitioner is willing to make payment of the entire amount according to the current valuation of the plot.

The Managing Director is directed to arrive at his decision within a period of four week from the date of receipt of the representation of the petitioner and communicate the same to the petitioner forthwith.



With above observation the present writ petition is
disposed of.

(Purnendu Singh, J)

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