

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9329 of 2022

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Gango Bigha Sahkari Grih Nirman Samiti Ltd., Gaya through its Secretary Rameshwar Prasad Yadav (male) aged about 80 years, son of Late Ramsharan Yadav, resident of Village-Kusmha, P.S. Chandauti, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Bihar State Housing Board, Patna through the Managing Director.
4. The Managing Director, The Bihar State Housing Board, Patna.
5. The Estate Officer, The Bihar State Housing Board, Patna.
6. The Executive Engineer, The Bihar State Housing Board, Gaya Division, Gaya.

... .. Respondent/s

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Appearance:

For the Petitioner/s	:	Mr.Awnish Kumar, Advocate Mr. S.B.K. Manglam, Advocate
For the State	:	Mr. Subhash Prasad Singh, G.A.-3 Mr. Indeshwari Pd. Singh, AC to GA-3
For the BSHB	:	Mr. Pawan Kumar, Advocate Ms. Pratibha, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-04-2023 The present writ petition has been filed seeking the following reliefs:-

“1.(1) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the respondent Housing Board for disposal of the representation dated 15.06.2017 filed by the petitioner for release of 9.81 decimals of acquired land in favour of the petitioner society



which was already allotted to the petitioner society by the Housing Board and the Society has allotted the said land to its member upon which most of the members had constructed their houses to the knowledge of the respondents and they are residing there at for more than decades.

(II) For a declaration that if the land in question was acquired for the purposes of housing and the houses are already there constructed by the individuals after allotment of land to its members by the petitioner Society, in view of the judgment and order dated 29.11.2010 passed by a bench of this Hon'ble Court in C.W.J.C. No. 14175 of 2009 filed by the members of the petitioner society, the respondent Housing Board is obliged to consider their representation favourably, in accordance with law, if the respondent Housing Board has neither framed any policy so far in respect of the aforesaid land for its allotment to the members nor the respondent Housing Board has invited any citizen to apply for its membership for the purposes of



allotment of a plot in the said land."

At the outset, the learned counsel for the respondent-Bihar State Housing Board, Patna submits that the aforesaid representation of the petitioner dated 15.06.2017 would definitely be decided within a stipulated time frame.

Accordingly, the present writ petition stands disposed off with a direction to the respondent authorities to decide the aforesaid representation of the petitioner by passing a reasoned and a speaking order within a period of six weeks of receipt/production of a copy of this order.

(Mohit Kumar Shah, J)

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