

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15938 of 2022

Basheer Ahmad Olayee, Son of Late Abul Olayee, Resident of Maulana Abul Kalam Azad Colony, Katra Mandai, Meva Saw Lane, P.S.- Sultanganj, Distt. - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Managing Director, Bihar State Housing Board, Bihar, Patna.
2. The Managing Director, Bihar State Housing Board, Bihar, Patna.
3. The Secretary Bihar State Housing Board, Patna.
4. The Manager, Estate, Bihar State Housing Board, 6, Sardar Patel Marg, Patna.
5. The Executive Engineer, Bihar State Housing Board, R, Block - 6, Sardar Patel Marg, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Dhananjai Kumar Singh, Advocate Jyoti Ranjan Jha, Advocate
For the BSHB	:	Mr.Pawan Kumar, Advocate Ms. Pratibha, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-06-2023 The present writ petition has been filed
seeking the following reliefs:-

"I. For Commanding and Directing the Respondents to deliver the peaceful possession of the land, legally transferred in the name of Petitioner, after execution of Hire purchase Agreement and thereafter payment of the land ie. Plot No.1L/87, Area 990 Sq.Ft at Digha, Patna to the Housing Board, Patna

II. For considering that, after completing all formalities and



fulfilling the terms and condition of the Bihar State Housing Board, an agreement has been executed between the parties, for delivery of possession of land i.e Plot No. 1L/87, Area 990 Sq.Ft at Digha, vide allotment Order No.4194 dt. 20.9.1991 in favour of Petitioner but till today he has been running for getting delivery of possession of the said land.

III. For holding that, Petitioner is entitled to peaceful delivery of possession of land, by the Respondents forthwith.

IV. For taking proper action against the Respondents, for deliberate violation of the terms and condition of the Hire Purchase Agreement, duly executed between the parties, after full payment of the concerned land, by the Petitioner.

V. For Commanding and directing the Respondents to compensate the Petitioner, for sustaining physical harassment and mental agony at the age of 72 years, as well as for compelling him to move before this Hon'ble Court, without any fault from his part."

At the outset, the learned counsel for the respondent-Bihar State Housing Board has submitted that as far as Digha land is concerned, the Government has come out with an act, namely, Digha Acquired



Land Settlement Act, 2010, according to which, the allotment of plots made in the Digha area shall be deemed to have been annulled and the deposits made by the allottees/applicants shall be refunded with compound interest at the rate of 8 % per annum from the date of its deposit till the date of refund.

In view of the aforesaid, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the authorities of the respondent-Bihar State Housing Board, Bihar Patna, by filing appropriate application for refund of the money deposited by him along with interest. Liberty so sought is granted.

It is needless to state that in case appropriate application is made, within a period of four weeks from today, appropriate decision shall be taken thereon, within a period of six weeks, thereafter.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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