

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1255 of 2023

Naval Kishore Prasad Singh @ Nawal Kishore Prasad son of Late Ramadhin Prasad Village and Post- Chakdin, P.S.- Asthama, District- Nalanda at present residing at mohalla- A/44, Ashok Puri, Khajpura Bailey Road P.O.- B.V. College, P.S.- Shastri Nagar, District- Patna, Patna 14.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Managing Director Bihar State Housing Board Patna.
3. The Special Executive Officer, Urban Development and Housing Department, Bihar, Patna.
4. The District Magistrate, Patna.
5. The Real Estate Officer Bihar State Housing Board Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Prakash Mahto, Advocate
For the Respondent/s	:	Mr.Kinkar Kumar (SC- 9)
For the Housing Board	:	Mrs. Tanuja Kumari Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-10-2023 The present writ petition has been filed
seeking the following relief:-

“1.(i) To protect the right, title, interest and possession of the petitioner over the land appertaining to Plot No. 8/ L 18 area 990 squire feet situated at Digha, Patna which has been allotted to the petitioner as Lower Income Grade (L.I.G.) plot, executed sale deed and possession has been delivered to the petitioner by the



Bihar State Housing Board Patna in the light of order passed by the Hon'ble Patna High Court in C.W.J.C.No. 3991 of 1987.

(ii) To restrain the respondents to interfere the possession of the petitioner over the aforesaid land.

(iii) To restrain the respondents for making any construction over the aforesaid land.

(iv) To hold that after execution of the Sale deed and giving the possession, the respondents have no right to interfere with the right of the petitioner.

(v) To restrain the respondents authority to transfer the aforesaid land anyone without acquiring the land and giving the compensation to the petitioner at the current rate of the land.

(vi) To direct the respondents to grant consequential benefits to the petitioner for which he is legally



entitled."

2. At the outset, the learned counsel for the petitioner submits that the petitioner has already filed an application for refund of the money deposited by him along with 8% compound interest, however, the respondent Housing Board is not refunding the amount along with interest.

3. Per contra, the learned counsel for the respondent-Housing Board submits that though the petitioner has filed a petition for refund of money but he has not provided the original documents, hence vide letter dated 29.01.2020, the petitioner has been directed to produce the documents mentioned therein so that his claim can be processed.

4. At this juncture, the learned counsel for the petitioner submits that the petitioner has already submitted all the original documents as would be apparent from Annexure-13 (page-44 to the writ petition), hence the respondents be directed to take the final decision.

5. It is directed accordingly.



6. It is needless to state that the Managing Director, Bihar State Housing Board, Patna shall be obliged to pass a reasoned and a speaking order, in accordance with law, dealing with the claim of the petitioner, within a period of four weeks from today, with due communication to the petitioner, regarding the final decision taken in the case of the petitioner.

7. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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