

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11177 of 2018

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Badri Nath Amrit S/o late Prem Kumar Gupta R/o Shankar Niwas, Holding
No.-45-46, Sadar Bazaar, Danapur Cant., P.S. Danapur, District- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Development of Housing and Urban Development,
Bihar State Govt.
3. Bihar State Housing Board through its Chairman-cum-Managing Director,
Patna
4. The Chairman-cum-Managing Director, Bihar State Housing Board, Patna
5. The Secretary, Bihar State Housing Board, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dev Kr. Pandey, Adv.
For Housing Board	:	Dr. Anand, Adv.
For the State	:	Mr. Arun Kumar, AC to GP-1

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 19-11-2024

Heard the parties.

2. In the instant petition, petitioner has prayed for
the following relief(s):-

*A) For a direction
commanding upon the respondents for immediate
payment of the ex- gratia amount to the petitioner and
other heirs of his deceased father, in light of the
provisions of DIGHA ACQUIRED LAND
SETTLEMENT SCHEME 2014 ,accruing to the land in
question as described in paragraph no 5 hereto ,and
which admittedly had been acquired for the respondent
Housing Board and for the said ex -gratia amount
petitioner's application duly submitted in accordance
with the provisions of said 2014 scheme has already
been accepted but kept pending by the respondent
board without any reason.*



B) For a direction upon the respondents for expeditious disposal of the petitioners application as duly filled and submitted in FORM-B (Annexure -P/2 herein) in light of the said land settlement scheme of 2014 for the payment of ex-gratia amount with respect to land in question as described in paragraph- 5 herein and which is pending for more than 2 years at the instance of respondent no 3.

C) For any other relief or reliefs which the petitioner is found entitled in the facts and circumstances of this case.

3. Learned counsel for the petitioner submits that land in question which was acquired for Housing Board is situated in Mauza-Digha presently located on the western side of Ashiyana-Digha Road, belonging to the integral part of those 400 acres of acquired land for respondent no. 3 and the same appertains to Khata No. 318, Khesra No. 2920, Thana No. Digha 1, having a total area of 13867.2 sq. ft. or 10.272 Kattha. He further submits that land in question was purchased by father of the petitioner through sale deed as far back as in the year 1964. He further submits that copy of sale deed has been submitted as a documentary proof of title of the petitioner over the land in question and same has also been enclosed with the application Form-B as mentioned in Annexure-P/2 series. He further submits that petitioner has already represented his application with proper form as mentioned in Provision of Digha Acquired Land Settlement Scheme, 2014 and said



representation is pending before the Housing Board. He further submits that no step has been taken by the Housing Board till today. He further submits that by virtue of Annexure-P/3 measurement is required with regard to the land in question with reference to application no. Digha-B-141/2015 dated 16.02.2015 and said land has already been acquired by the Housing Board. He further submits that measurement of land has been completed as mentioned in Annexure-P/4. He further submits that direction was given to provide no objection certificate from other coparcener of the property and in compliance of said direction counsel of the petitioner submits that he has annexed Annexure-P/5 series through rejoinder that he has submitted no objection certificate sworn on affidavit through notary public but till today no step has been taken by the concerned authority with regard to payment of ex-gratia amount to the petitioner.

4. Learned counsel appearing for Housing Board has submitted that no objection certificate has not been produced before the Housing Board in proper form so petitioner is not entitled for payment of ex-gratia amount due to non submission of NOC in proper form.

5. Considering the facts and circumstances of the



case and the submissions advanced on behalf of the parties, the present writ petition stands disposed of with liberty to petitioner to file fresh representation with proper NOC before the Managing Director, Bihar State Housing Board, Patna/ concerned authority within a period of four weeks from the date of receipt of this order. If petitioner raises his grievance before the concerned authority by filing representation within stipulated period, the concerned authority shall pass appropriate order on the representation of the petitioner in accordance with law after hearing the parties concerned, preferably within eight weeks from the date of representation of the petitioner.

(Alok Kumar Pandey, J)

shahzad/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	21.11.2024
Transmission Date	N.A.

