

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20513 of 2014

- 1.1. Gayatri Roy Wife of Late Dr Surya Bansh Roy, Resident of B/W 55C, Shalimar Bagh, P.O. and P.S.- Shalimar Bagh, District- North West Delhi, Delhi PIN - 110088.
- 1.2. Ashok Kumar Roy, Son of Late Dr Surya Bansh Roy, Resident of B/W 55C, Shalimar Bagh, P.S.- Shalimar Bagh, District- North West Delhi, Delhi PIN - 110088.
- 1.3. Manoj Kumar Roy, Son of Late Dr Surya Bansh Roy, Resident of 1104, SBI Apartment, Vikaspuri, P.S.- Vikaspuri, District- West Delhi, Delhi PIN - 110018.
- 1.4. Sweta Kumar, Wife of Late Shailesh Kumar, Son of Late Dr Surya Bansh Roy, Resident of 248, SFS Flats, Mukherji Nagar, P.S. - Mukherji Nagar, District- North West Delhi, Delhi.
- 1.5. Seema Chauhan, Wife of Ashok Chauhan, Daughter of Late Dr Surya Bansh Roy, Resident of G- 99, Pushkar Enclave, Paschim Vihar, P.S. Paschim Vihar East, District - West Delhi, Delhi.

... .. Petitioner/s

Versus

1. Bihar State Housing Board Patna through its Managing Director, 6, Sardar Patel Marg, Patna - 15.
2. The Managing Director, Bihar State Housing Board, 6, Sardar Patel Marg, Patna - 15.
3. The Secretary, Bihar State Housing Board, 6, Sardar Patel Marg, Patna - 15.
4. The Estate Officer, Bihar State Housing Board, 6, Sardar Patel Marg, Patna - 15.
5. The Executive Engineer, Bihar State Housing Board, Division - II, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. P.N. Shahi, Sr. Adv. Mr.Patanjali Rishi, Adv. Mr. Amiot Anand, Adv.
For the BSHB	:	Dr. Surya Bansh Roy, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 14-08-2024 The present writ petition has been filed seeking the following reliefs:-

“1. For commanding the respondents to forth with grant possession to the petitioner of plot no.



10H/196 ad-measuring 1875 sqr. ft. at Mohalla Digha, Patna which was allotted to him, vide letter no. 1435 dated 25.9.1991 in respect to which the petitioner had already deposited Rs. 35,530/- pursuant to the demand raised in the allotment letter but possession of the said plot was never handed over to the petitioner nor any agreement in respect thereof could be executed as the petitioner was informed that the said plot has been encroached upon.

(ii). The petitioner alternatively prays that the entire amount deposited by him with the Bihar State Housing Board pursuant to his application no. 168811 which finally culminated in issuance of allotment letter no. 1435 dated 25.9.1991, issued by the respondent Board and the petitioner further deposited the first installment of the amount demanded meaning thereby the initial registration money of Rs. 100 deposited by the petitioner on 6.4.1965, Rs. 50/- subsequently deposited on 23.1.1973, Rs. 5,000/- deposited on 22.12.1978 and Rs. 35,530/- deposited by the petitioner on 30.11.1991 be directed to be refunded to the petitioner along with suitable amount of compound interest at least 12% per annum.”

2. At the outset, the learned counsel for the petitioners submits that since the present case is covered by the Digha



Acquired Land Settlement Act, 2010, as has been averred in the counter affidavit filed by the Respondent-Bihar State Housing Board, Patna, the Respondents be directed to refund the amount, deposited by the original writ petitioner, along with interest / compound interest. It is directed accordingly.

3. It is needless to state that in case, the petitioners approach the Managing Director, Bihar State Housing Board, Patna and file appropriate application, within a period of four weeks from today, for refund of the amount deposited by the original writ petitioner, for the purposes of allotment of plot, along with interest / compound interest, the Managing Director, Bihar State Housing Board, Patna, shall pass appropriate orders thereon, in accordance with law, within a period of six weeks, thereafter and in case, any amount is found payable, the same shall also be paid within the same time frame.

4. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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