

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1607 of 2019

In

Civil Writ Jurisdiction Case No.11239 of 2013

Shiv Nandan Singh, Son of Late Ambika Singh, Resident Of Village -
Deoharpur, Police Station - Tekari, District - Gaya.

... .. Appellant/s

Versus

1. The Bihar State Housing Board through its Managing Director, 6 Mangles, Road, Patna.
2. The Chief Engineer, Bihar State Housing Board, Patna, 6 Mangles, Road, Patna.
3. The Estate Manager, Bihar State Housing Board, Patna, 6 Mangles, Road, Patna.
4. The Revenue Officer, Bihar State Housing Board, Patna, 6 Mangles, Road, Patna.
5. The Executive Engineer, Bihar State Housing Board, Gaya Division, A.P. Colony, Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. J.S. Arora, Sr. Advocate Mr. Manoj Kumar, Advocate
For the Respondent/s	:	Smt. Anuradha Singh, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-07-2024

The impugned judgment, in the appeal,
rejected the claim of the petitioner for reviving the
allotment granted by the Bihar State Housing Board, the



respondent, on the basis of the amounts already deposited.

2. The learned Single Judge found that the allotment was issued as early as in the year 1992. There was a demand raised by the Board for the purpose of handing over possession of the flat in question. The said demand specifically stipulated that if the sum of money demanded is not deposited and the agreement is not entered into, the allotment would stand cancelled automatically. The petitioner failed to deposit the amount after allotment and despite a further demand notice dated 21.05.1997, the petitioner failed to comply with the demand. The petitioner deposited the amounts on 01.04.2009, by which time the allotment stood cancelled.

3. We find absolutely no reason to interfere with the judgment of the learned Single Judge. The petitioner has by his own default, failed to get possession of the flat allotted to him by the Corporation, after remitting the amounts demanded. The petitioner cannot take a contention that the entire amounts paid in 2009 should inure to his benefit since the allotment itself was in the year 1992 and even a subsequent demand made in the year 1997 was



not complied with. By the time the petitioner made the deposit, it was more than a decade and two years since the demand was raised; which lapse of time would have definitely resulted in escalation of price.

4. The learned Senior Counsel appearing for the petitioner submitted that at least at this point the petitioner be directed to make the payment as demanded which was impugned in the writ petition. The demand impugned in the writ petition was a direction to deposit a sum of Rs.22,86,462.72/- by the month of May, 2013. The petitioner unsuccessfully challenged the same and even when the writ petition was disposed of in 2019, he did not choose to make a request for deposit of amounts claimed then. Now, another decade has passed and there would definitely have been a further escalation of price.

5. We find absolutely no reason to make any such direction to revive the allotment. As has been noticed by the learned Single Judge, the allotment stood cancelled on the initial demand not being complied with in the year 1997. A revival was made with the escalation of price in the year 2013, which was also not complied with. At this point,



there is no question of any revival of allotment nor can the petitioner be allowed to make remittances of amounts demanded in 2013.

6. We dismiss the appeal leaving the parties to suffer their respective costs.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

sharun/-

AFR/NAFR	
CAV DATE	
Uploading Date	24.07.2024
Transmission Date	

