

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.171 of 2018

Subodh Kumar Yadav S/o Late Lakshmi Narayan Yadav, Resident of Village-
Bathmaha, P.O.- Chopra Ram Nagar, P.S.- K. Hat, Dist.- Purnea.

... .. Petitioner

Versus

1. The State Of Bihar
2. Chairman, Bihar State Housing Board, Patna.
3. The Managing Director, Bihar State Housing Board, Patna.
4. Estate Officer, Bihar State Housing Board, Patna.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Prashant Singh, Advocate
	:	Mr. Awadhesh Kumar, Advocate
For the State	:	Mr. S.P. Singh, GA-3
For BSHB	:	Dr. Alok Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

7 14-05-2025 Heard learned counsel for the petitioner, learned
counsel for the Bihar State Housing Board and learned counsel
for the State.

2. The petitioner in the present case has prayed for
issuance of writ of mandamus upon the respondents to execute
registration of the land bearing R.C. Plot No. 49 situated at
Indra Nagar, Purnea in favour of the petitioner as the petitioner
was allotted the aforesaid land by Bihar State Housing Board in
auction. The petitioner has further prayed for issuance of writ in
the nature of *certiorari* for quashing the Letter No. 5391 dated
15.11.2021 issued by the Revenue Officer, Bihar State Housing
Board, Patna whereby the petitioner has been directed to deposit



Rs. 10,79,950.26/- by 30.11.2021, failing which the petitioner should deposit Rs. 10,84,432.22/- by 31.12.2021 under the head of principal + interest. The petitioner has further prayed that it be held that the petitioner has already deposited the entire amount of principal in the year 2012 itself and, as such, there is no justification for the Bihar State Housing Board to again demand principal + interest from the petitioner.

3. It is the case of the petitioner that in the year 2011, the Bihar State Housing Board had invited auction proposal for ninety years lease for 88 residential-cum-commercial plots including plots situated in Indra Nagar Housing Colony, Purnea. The petitioner was interested in plot No. 49 in Indra Nagar, Purnea, the reserve price of which was Rs. 6,18,700/-. The petitioner participated in the auction. On 11.12.2011, auction was held and the petitioner was declared successful with auction price of Rs. 9,75,000/-. The petitioner deposited an amount of Rs. 5,00,000/- in terms of Clause-I (3) of the proposal published by the Bihar State Housing Board. Thereafter, Manager Estates, Bihar State Housing Board issued a letter of confirmation and directed the petitioner to deposit Rs. 1,18,700/- by 14.12.2011 and Rs. 4,75,000/- by 10.01.2012. Subsequently, a revised confirmation letter was issued by the



Manager Estate by which the petitioner was asked to deposit Rs. 1,18,700/- by 14.12.2011 and Rs. 3,56,300/- by 10.01.2012.

4. The learned counsel for the petitioner further submits that in terms of the revised confirmation letter, the petitioner deposited Rs. 1,18,700/- on 06.01.2012 and also deposited Rs. 3,57,000/- on 31.03.2012. Further, the petitioner also claims to have deposited additional Rs. 1300/- on 10.01.2013. The learned counsel for the petitioner further submits that despite the fact that petitioner had deposited Rs. 3,57,000/- on 31.03.2012, by letter dated 30.11.2013 (Annexure-8 to the writ application), the petitioner was strangely directed to produce proof of deposit, which the petitioner did through various letters but even after that the Board did not take any step for registration of the land in favour of the petitioner. Later, when the petitioner is said to have visited the Office of the Bihar State Housing Board, the petitioner was provided with a Letter bearing No. 5391 dated 15.11.2021 by which a demand of Rs. 10,79,950.26/- had been raised against the petitioner and the petitioner was directed to deposit this amount by 30.11.2021, if not then Rs. 10,84,432.22/- by 31.12.2021. The learned counsel for the petitioner submits that there is absolutely no rationale or justification for raising the aforesaid demand and that there was



only delay of 81 days in depositing Rs. 3,56,300/- for which the Bihar State Housing Board was at the most entitled to charge compounding interest at the rate of 15%. As per the learned counsel for the petitioner, even if 15% is charged by way of compounding interest for ninety days of delay in depositing Rs. 3,56,300/-, it comes to Rs. 13,362/- which the petitioner is prepared to deposit forthwith.

5. When the learned counsel appearing for the Bihar State Housing Board was confronted with the above argument made by the learned counsel for the petitioner, he admitted that there was only 81 days of delay in depositing Rs. 3,56,300/- and all other payments had been deposited by the petitioner in time. The learned counsel for the Housing Board could not offer any justification for demanding Rs. 10,79,950.26/- for 81 days of delay in depositing Rs. 3,56,300/- by the petitioner. He admitted that even if compound interest at the rate of 15 per cent is charged for ninety days of delay on the amount of Rs. 3,56,300/-, the total interest will come to Rs. 13,362/-.

6. Considering the submissions made by the learned counsel for the parties, it is held that the demand of Rs. 10,79,950.26/- being made by the Housing Board is totally



improper and unjustified and hence the letter bearing No. 5391 dated 15.11.2021 (Annexure-P/11 of I.A. No. 1/2024) is hereby quashed and the petitioner is directed to deposit Rs. 13,362/- [compounding interest calculated at the rate of 15 per cent for 90 days of delay in depositing Rs. 3,56,300/-] within one month from the date of this order. After this payment has been deposited by the petitioner, the Respondent Nos. 2 to 4 are directed to execute registration of land bearing RC Plot No. 49 situated at Indra Nagar, Purnea in favour of the petitioner within one month thereafter.

6.1) This writ application is accordingly allowed, as aforesaid. Interlocutory Application, if any pending, is deemed to have been disposed of.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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