

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10813 of 2018

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Anima Mishra W/o Shri Shashi Bhushan Mishra Resident of A - 58, Nature City, Mungeli Road, P.O. - Sakari, P.S. - Chakrabhata, District - Bilaspur also at Flat No. - 504, Devendra Residency, Kankarbagh Main Road, P.S. Agamkuan, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Department of Urban Development and Housing, Government of Bihar, Vikas Bhawan, New Secretariat, Patna.
3. The Chairman, Bihar State Housing Board, 6, Sardar Patel Marg, Patna.
4. The Managing Director, Bihar State Housing Board, 6, Sardar Patel Marg, Patna.
5. The Secretary, Bihar State Housing Board, 6, Sardar Patel Marg, Patna.
6. The Executive Engineer, Patna Division - III, Bihar State Housing Board, Hanuman Nagar, Kankarbagh,

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Amit Pandey, Advocate
For the State	:	Mr. Kinkar Kumar- SC-9
		Mr. Ashutosh Kumar Upadhayay, AC to SC-9
For the BSHB	:	Mr. Anshuman Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

9 01-08-2025 Heard learned counsel for the petitioner, learned counsel for the Housing Board and learned counsel for respondent-State.

2. In the present writ application the petitioner had initially prayed for the grant of following reliefs:

“(i) For issuance of order(s) / direction(s) or writ(s) in the nature of Mandamus directing the respondents to pay fair and reasonable compensation of Rs. 15,00,000/= (Rupees



Fifteen Lakhs only) to the petitioner in pursuant to Section 97 of the Bihar State Housing Board Act, 1982.And/or

(ii) For issuance of any order (s) / direction (s) or writ (s) to declare Regulation 45 of Bihar State Housing Board (Management and Disposal of Housing Estates) Regulation, 1983 as void, illegal and invalid as it is detriment with retrospective effect.

(iii) For issuance of further order(s) / direction(s) or writ(s) in in the nature of Certiorari to quash the office order contained memo no-10341 dated 30.11.2012 whereby and whereunder the authorities annulled the waiting list prepared for allotment of plot at Patna.

(iv) For issuance of any further order (s) / direction (s) or writ (s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the instant case.”

3. During the course of argument today, learned counsel for the petitioner is not willing to press for the grant of aforesaid reliefs and is thus giving up all the reliefs as quoted herein above.

4. He further submits that the petitioner had got herself registered on 18.12.1972 by depositing Registration Fee of Rs.50/- and on 15.01.1979 the petitioner had further deposited Rs.2000/- only as earnest money. The petitioner submits that he would be satisfied if an appropriate direction is



issued to the respondent Housing Board to refund this amount in accordance with Digha Acquired Land Settlement Act, 2010.

5. Learned counsel appearing for the Housing Board submits that the Housing Board in paragraph-9 of its counter affidavit has already stated that the Housing Board is ready to refund the deposited amount in accordance with law.

6. In view of the aforesaid, this writ application is disposed of directing the Housing Board to refund the amount of the petitioner which the petitioner had deposited by way of earnest money in accordance with provisions as contained in the Digha Acquired Land Settlement Act, 2010.

7. It is expected that the refund shall be carried out within a period of four months from today.

8. With the aforesaid observation and direction the present writ application is disposed of. All pending I.As, if any shall be deemed to have been disposed of.

(Alok Kumar Sinha, J)

Prakash Narayan

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