

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9998 of 2014**

- 1.1. Rajmati Devi Widow of Late Bajrangi Ram, Resident of flat no. 32, HIG Sector - 7 Block 5 Kankarbagh, P.S. Kankarbagh, District- Patna.
- 1.2. Rakesh Kumar Ranjan Son of Late Bajrangi Ram, Resident of flat no. 32, HIG Sector - 7 Block 5 Kankarbagh, P.S. Kankarbagh, District- Patna.
- 1.3. Rajesh Kumar Ranjan Son of Late Bajrangi Ram, Resident of flat no. 32, HIG Sector - 7 Block 5 Kankarbagh, P.S. Kankarbagh, District- Patna.
- 1.4. Rajeev Kumar Ranjan Son of Late Bajrangi Ram, Resident of flat no. 32, HIG Sector - 7 Block 5 Kankarbagh, P.S. Kankarbagh, District- Patna.
- 1.5. Rohit Kuamr Ranjan Son of Late Bajrangi Ram, Resident of flat no. 32, HIG Sector - 7 Block 5 Kankarbagh, P.S. Kankarbagh, District- Patna.

... .. Petitioners

Versus

The State Of Bihar and Ors

... .. Respondents

with

**Civil Writ Jurisdiction Case No. 10091 of 2014**

Chandra Bhushan Prasad

... .. Petitioner

Versus

The State Of Bihar and Ors

... .. Respondents

**Appearance :**

(In Civil Writ Jurisdiction Case No. 9998 of 2014)

For the Petitioner/s : Md. Anisur Rahman, Advocate  
For the Respondent/s : Mr. P.K. Verma, Advocate  
For the State : Dr. Mankeshwar Tiwari, AC to AAG-3  
For Housing Board : Mr. Anshuman Singh, Advocate

(In Civil Writ Jurisdiction Case No. 10091 of 2014)

For the Petitioner/s : Md. Anisur Rahman, Advocate  
For the State : Mr. Mujtabaul Haque, GP-12  
: Mr. Vasant Vikas, AC to GP-12  
For Housing Board : Mr. Anshuman Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA**  
**ORAL ORDER**

17    15-05-2025                      Heard learned counsel for the petitioners, learned  
  
counsel for the Housing Board and learned counsel for the State.



2. Since both writ applications are similar, involving common issues, they are being disposed of by this common order.

3. The case of the petitioners is that a composite scheme had been introduced by the Bihar State Housing Board by a resolution passed in its meeting held on 03.09.1997 which had resolved to grant priority allotment of flat to its employees, which gets reflected from the Office Order bearing No. 1218 dated 08.03.2001. In terms of the said composite scheme introduced by the Bihar State Housing Board for its employees, the petitioners had deposited Registration Charge of Rs. 300/- and earnest money of Rs. 10,000/- in the month of March 2001. The grievance of the petitioners is therefore that despite depositing registration charge and earnest money, till date the petitioners have not been allotted any flat by the Bihar State Housing Board. Hence being aggrieved, the petitioners have filed these writ applications for a direction to be issued to the Bihar State Housing Board to allot a flat to the petitioners.

4. Per contra, the learned counsel appearing for the Respondent-Housing Board has brought to the attention of this Court a copy of the minutes of the proceeding of Board's 245<sup>th</sup> meeting dated 29.11.2015 (Annexure-G to the third



supplementary counter-affidavit filed by the Housing Board), from the perusal of which it is clear that the Housing Board had subsequently withdrawn the composite scheme and had taken a decision to refund the application money to all such applicants who had earlier deposited the same for allotment of flat under the said scheme. This decision of the Board to withdraw the composite scheme and to refund the application money to the applicants was never challenged either by the petitioners or by any similarly situated person. The scheme therefore does not exist and hence the petitioners cannot be allotted any flat and that they are only entitled to claim refund of their application money of Rs. 10,000/- which they had deposited in March 2001.

5. The learned counsel appearing for the petitioners admitted to the fact that neither the petitioners nor any similarly situated person had ever challenged the decision of the Housing Board to withdraw the composite scheme under which the petitioners had earlier deposited Rs. 10,000/- for allotment of flat. The learned counsel for the petitioners, therefore, fairly submitted that in light of the subsequent withdrawal of the composite scheme and the decision to refund the application money, the petitioners did not have any case.

6. Under the aforesaid facts and circumstances, the



present writ application is dismissed with a direction to the Bihar State Housing Board to refund the application money of Rs. 10,000/- to the petitioners within one month from today. The Interlocutory Application, if any pending, is deemed to have been disposed of.

**(Alok Kumar Sinha, J)**

Gaurav Sinha/-

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