

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (C) No. 1249 of 2014

Smt. Shakuntla Devi Bajaj --- --- --- Petitioner

Versus

1. Jharkhand State Housing Board through its Managing Director

2. Revenue Officer (Headquarter), Jharkhand State Housing Board

3. Executive Engineer, Jharkhand State Housing Board,

Adityapur, Jamshedpur --- --- --- Respondents

CORAM: The Hon'ble Mr. Justice Aparesh Kumar Singh

For the Petitioner: Mr. Afaque Ahmad, Advocate

For the Resp – JSHB: Dr. Ashok Kr. Singh, Advocate

07/ 30.11.2016 Heard counsel for the petitioner and the Respondent Board.

2. Petitioner has approached this Court for quashing of Letter No. 936/Aa dated 06.07.2013 (Annexure-8) issued by the Revenue Officer, Jharkhand State Housing Board in relation to the High Income Group Plot No. H/163 situate at Dindli, Jamshedpur allotted to the petitioner by Memo No. 4031/Aa dated 17.09.1994 (Annexure-1), asking her to deposit the amount of Rs. 14,82,625.00 till 31.07.2013 or Rs. 15,02,797.00 till 31.08.2013.

3. Counsel for the petitioner submits that upon allotment of plot in 1994, its tentative price was estimated at Rs. 1,33,350.00. Rs. 40,005.00 was deposited within the period specified and the husband of the petitioner entered into hire-purchase agreement with the Respondent No. 3 - Executive Engineer, Jharkhand State Housing Board, Adityapur, Jamshedpur on 03.02.1995 (Annexure-2). Upon death of her husband, a request for transfer of plot in question was made with the supporting documents vide Annexure-3. Petitioner contends that the possession of the plot was given on 18.02.2006. However, petitioner has been taken by surprise on account of issuance of the instant letter which contains an outstanding due calculated on the basis of capitalization of interest on the pending installments. Petitioner has however deposited Rs. 1,80,005.00 earlier and has questioned the said demand relying upon the judgment rendered by this Court in the case of **Arun Kumar Sinha vs. Jharkhand State Housing Board & others** in WPC No. 1127/2010 and upheld in **LPA No. 346/2011 [Jharkhand State Housing Board & others Vs. Arun Kumar Sinha & others]**. Learned counsel for the petitioner submits that similar writ petitions have been also disposed of taking cue from the said judgment being

WPC No. 2265/2007 and WPC No. 6225/2015 by relegating the petitioner to pursue their grievances before the competent authority / Revenue Officer, Jharkhand State Housing Board by way of a representation in the light of the decision of the Jharkhand Housing Board taken in its 40th meeting held on 07.04.2015 and the letter bearing memo no. 313 dated 09.03.2015.

4. Learned counsel for the Respondent Board submits that the matter could be reconsidered on representation of the petitioner in the light of the Board's Resolution contained in 40th meeting held on 07.04.2015 vide Agenda Item No. 11 in terms of the ratio rendered by this Court in the case of **Arun Kumar Sinha (Supra)**.

5. Having considered the submissions of the parties, it appears that on similar grievances, writ petition WPC No. 6225/2015 has been disposed of in the following terms.

“However, considering the fact that Respondent Housing Board has in its resolution dated 7th April 2015 taken a decision to examine the question of outstanding demand raised upon the individual allotment orders and lease agreement in question on the issue of charging simple/compound interest in individual cases, this court is inclined to dispose of the writ petition without getting into merits of the matter at this stage by relegating the petitioner to pursue his grievance before the competent authority/Respondent No. 2 by way of a fresh representation duly supported with all necessary facts and documents including the judgment relied upon by him, within a period of two weeks from today.

On receipt of such representation, the competent authority/Respondent No. 2 would consider the representation and take an informed decision in the matter in accordance with law and the resolution issued by the Respondent-Housing Board on the subject in question within a reasonable time preferably within a period of eight weeks from the date of receipt of the copy of this order.

Dependent upon such decision, if petitioner is required to deposit any outstanding amount, he would deposit the same thereafter within the time stipulated by the Respondent Housing Board. On such deposit, the Respondent Housing Board would proceed to execute the lease agreement with the petitioner/ eligible persons in accordance with law.

The impugned demand would not stand in the way of Respondent Housing Board in taking fresh decision in the matter in view of what has been observed herein-above.

This writ petition is disposed of accordingly.”

6. Accordingly, present writ petition is being disposed of in the similar terms. I.A. No. 6513/2016 also stands disposed of.

(Aparesh Kumar Singh, J)

Ranjeet/