

(2020) 02 JH CK 0005

Jharkhand High Court

Case No: Writ Petition (C) No. 82 of 2020

Ramadhar Singh And Ors

APPELLANT

Vs

Jharkhand State Housing Board
And Ors

RESPONDENT

Date of Decision: Feb. 3, 2020

Hon'ble Judges: Rajesh Shankar, J

Bench: Single Bench

Advocate: Sunil Kumar Sinha, Manindra Kumar Sinha, Ashok Kumar Singh, Amrita Kumar, Poonam Verma

Final Decision: Disposed Of

Judgement

1. The present writ petition has been filed for issuance of direction upon the respondents to get the deeds finally registered forthwith in favour of the petitioners as they have fulfilled their part of requirement as per the agreement for the respective houses allotted to them.

2. The learned counsel for the petitioners submits that the then Bihar State Housing Board constructed Janta Row Houses at Adityapur, District-

Seraikella-Kharsawan for economically weaker sections of the society whose income were maximum Rs. 6,000/- per month and thereafter invited

applications for allotment of the said houses. Pursuant thereto, the petitioners applied for allotment of the houses under the hire purchase agreement

and the Bihar State Housing Board issued allotment letters vide allotment nos. 945 dated 31.03.1995, 834 dated 29.03.1995, 849 dated 29.03.1995, 889

dated 31.03.1995, 858 dated 29.03.1995, 839 dated 29.03.1995, 949 dated 31.03.1995, 940 dated 31.03.1995, 845 dated 29.03.1995, 819 dated

29.03.1995, 863 dated 29.03.1995, 927 dated 31.03.1995, 847 dated 31.03.1995, 841/A dated 29.03.1995, 820 dated 29.03.1995, 902 dated 31.03.1995, 843 dated 29.03.1995, 797 dated 29.03.1995, 952 dated 31.03.1995, 842 dated 29.03.1995, 947 dated 31.03.1995, 844 dated 29.03.1995, 833 dated 29.03.1995, 939 dated 31.03.1995, 841/AK dated 31.03.1995, 865 dated 29.03.1995, 808 dated 29.03.1995, 838 dated 29.03.1995 by allotting the House Nos. JR-41, JR-53, JR-57, JR-58, JR-61, JR-64, JR-71, JR-79, JR-80, JR-82, JR-84, JR-86, JR-92, JR-95, JR-96, JR-115, JR-119, JR-120, JR-121, JR-128, JR-130, JR-136, JR-137, JR-138, JR-142, JR-147 and JR-148 respectively in favour of the petitioners. The petitioners thereafter took possession of the respective houses and started residing in the same peacefully. At the time of allotment of the said houses to the respective allottees, the cost of the same was fixed @ Rs. 89975/- each and as per the condition of the allotment letter, they were required to deposit 20% of the total cost of the respective houses which they deposited within time. However, no hire purchase agreement was executed in this regard for few year and finally, in the year 2001, the same was executed between the respondent no. 3 â€" the Executive Engineer, Jharkhand State Housing Board, Jamshedpur and the petitioners being the respective allottees of the houses. The petitioners subsequently failed to pay the required monthly installments in terms with the allotment letters. Subsequently, in the year 2011, the Jharkhand State Housing Board came out with One Time Settlement (OTS) scheme for those allottees who had though deposited the amount at the time of execution of the agreement, yet failed to deposit the installment towards the cost of the house. Accordingly, the petitioners approached the respondent no. 1 â€" the Jharkhand State Housing Board through its Managing Director, Ranchi by filing their representation dated 09.04.2011 seeking benefit of one time settlement scheme. The Managing Director after going through the said representation, made a note over the same that if they pay 50% of the due amount on or before 15.05.2011, their application would be considered. On the basis of the said note, the respondent no. 3 vide letter no. 1427 dated 04.07.2011 sent the list of amount deposited by the respective allottees to the respondent no. 1 who after perusal of the same directed to put the file on 08.07.2011 with the proposal of final registration of the lease deeds in favour

of the allottees/petitioners. The learned counsel for the petitioners further submits that though the petitioners have deposited the entire amount as per one time settlement scheme, yet the authorities of the Jharkhand State Housing Board have not taken any step for final registration of the respective houses despite several representations given to them in this regard.

3. Dr. Ashok Kumar Singh, the learned counsel for the Jharkhand State Housing Board, submits that the present matter is required to be verified factually and as such, if the petitioners prefer fresh representation(s) before the respondent no. 1, the same will be duly considered and appropriate decision in this regard will be taken.

4. Having heard the learned counsel for the parties and considering the nature of prayer made in the writ petition, without entering into the merit of the case, the petitioners are given liberty to file a fresh representation(s) before the respondent no. 1 along with the relevant documents. On receipt of the said representation(s), the respondent no. 1 after providing due opportunity of hearing to the petitioners/their representatives, shall take an informed decision in this regard within a period of 12 weeks from the date of filing of the representation(s).

5. The writ petition is accordingly disposed of with aforesaid liberty and direction.