

(2010) 08 JH CK 0051
Jharkhand High Court
Case No: None

Urmila Devi

APPELLANT

Vs

Jharkhand State Housing Board,
Executive Engineer, J.S.H.B. and
Mala Singh

RESPONDENT

Date of Decision: Aug. 18, 2010

Hon'ble Judges: R.K. Merathia, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

R.K. Merathia, J.

This writ petition has been filed challenging the order dated 06.09.2008 issued to the petitioner cancelling the allotment of flat.

2. It is submitted on behalf of the petitioner that immediately after the cancellation, the flat in question - EWS-4/4 was allotted in favour of respondent No. 3 - Mala Singh and moreover, the petitioner deposited the arrears of rent on 18.09.2008.

3. Mr. Sachin Kumar, learned Counsel appearing for the Jharkhand State Housing Board, on the other hand submitted that the flat in question was allotted temporarily in favour of petitioner being employee of Technip Products, Sonari, Jamshedpur on 05.03.2001 on the condition that she pays the arrear rent of Rs. 19,135/- and then the allotment can be regularised, but from 2001 onwards, inspite of several letters/reminders/notices, she did not pay arrear and current rent, and she even neglected to respond to the letters, and therefore, allotment in her favour was rightly cancelled and that part payment of arrears of rent on 18.09.2008, after the cancellation of the allotment and allotment made in favour of respondent No. 3 is in consequential and in any event, petitioner is liable to pay the arrears of rent and damages to the Board.

4. In the facts and circumstances noticed above, no grounds are made out for interference with the impugned order of cancellation. The flat in question was allotted temporarily on the condition that on payment of dues, the allotment can be regularised, but inspite of repeated letters/reminders/notices from 2001, the petitioner did not deposit the arrears and current rent. In these circumstances, ultimately the allotment was rightly cancelled and the flat was allotted to respondent No. 3 - another worker of other industry. Part payment of arrears of rent on 18.9.2008 by the petitioner after such cancellation/allotment does not create any right in her favour to challenge such orders of cancellation/allotment of flat, in question.

5. In the circumstances, I find no merit in this writ petition which is accordingly dismissed. However, no costs.