

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 1406 OF 2020
(@ SLP (CIVIL) NO. 29642 OF 2012)

BIHAR STATE HOUSING BOARD .. Appellant (s)

Versus

MEERA PRASAD DEAD THR. LRS. & ORS. .. Respondent(s)

WITH

CIVIL APPEAL NO(S). 1408 OF 2020
(@ SLP(CIVIL) NO. 32156 OF 2012)

O R D E R

SLP (CIVIL) NO. 29642 OF 2012

Leave granted.

The Respondents, who are the legal heirs of the original allottees of the plots at Shri Krishna Nagar Housing Colony, Patna filed a writ petition seeking a writ of mandamus to the Appellant-Bihar State Housing Board (Board), to execute a registered deed in their favour. During the course of hearing, it was accepted by the respondents that the price of the lands allotted to them can be fixed at Rs.4,800/- per katha.

After hearing the learned counsel for the parties, the learned Single Judge of the High Court of Judicature at Patna directed the Appellant-Board to calculate the price of land at Rs.4,800/- per katha with interest at

6.5% per annum w.e.f. 18.10.2002. In case of default of the payment as directed, the interest payable stood enhanced to 9% per annum. The order of the learned Single Judge was upheld by the Division Bench of the High Court and the appeal filed by the appellant was dismissed.

The valuation of the land in Shri Krishna Nagar Housing Colony was fixed by the Appellant-Board on 23.7.1975 at Rs.4800 per katha. The learned counsel for the Respondents relied upon a proceeding dated 18.10.2002 to submit that the proposal for fixation of price of land at Shri Krishna Nagar Housing Colony at the rate of Rs.4800/- per katha was made for approval of the Appellant - Board. The Appellant - Board gave its approval for fixing the price of the land at Rs.4800/- per katha on 24.10.2002. Learned counsel for the Respondents, Mr. Rudreshwar Singh submits that the High Court was right in directing payment of interest w.e.f. 24.10.2002, on which date the Appellant - Board approved the fixation of the price of the land.

We have perused the order passed by the Appellant -Board, on 24.10.2002, according to which the approval was granted by the Board w.e.f. 31.3.1974.

The Appellant - Board is entitled to interest @ 6.5 % per annum as fixed by the High Court, w.e.f. 31.3.1974 and not from 24.10.2002.

It is submitted by the learned counsel for the

Respondents that the interest has been paid w.e.f. 24.10.2002, as directed by the High Court. The amount of interest already paid by the Respondents shall be adjusted while determining the amount to be paid by them as per this order.

The Appeal is allowed.

SLP(CIVIL) NO. 32156 OF 2012

Leave granted.

The appeal is allowed in terms of the order passed today in C.A. No(s). 1406 of 2020 (@ SLP (Civil) NO.29642 OF 2012).

.....J.
(L. NAGESWARA RAO)

.....J.
(HEMANT GUPTA)

New Delhi,
Dated : February 10, 2020

ITEM NO.58

COURT NO.11

SECTION XVI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 29642/2012

(Arising out of impugned final judgment and order dated 25-04-2012 in LPA No. 1535/2011 25-04-2012 in CWJC No. 7459/2003 passed by the High Court Of Judicature At Patna)

BIHAR STATE HOUSING BOARD

Petitioner(s)

VERSUS

MEERA PRASAD DEAD THR. LRS. & ORS.

Respondent(s)

(IA No. 3147/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(C) No. 32156/2012 (XVI)

Date : 10-02-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO

HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Mr. Braj Kishore Mishra, AOR
Ms. Aparna Jha, Adv.
Mr. Abhishek Yadav, Adv.For Respondent(s) Mr. Atul Kumar Sinha, Adv.
Mr. Chandra Bhushan Prasad, AOR

Mr. Rudreshwar Singh, Adv.

Mr. Gautam Singh, Adv.

Ms. Isha Singh, Adv.

Mr. Kaushik Poddar, AOR

UPON hearing the counsel the Court made the following
O R D E RSLP (CIVIL) NO. 29642 OF 2012

Leave granted.

The appeal is allowed in terms of the Signed order.

SLP(CIVIL) NO. 32156 OF 2012

Leave granted.

The appeal is allowed in terms of the order passed in C.A. No(s). 1406 of 2020 (@ SLP (Civil) NO.29642 OF 2012).

Pending application(s) shall stand disposed of.

(GEETA AHUJA)
COURT MASTER (SH)

(ANAND PRAKASH)
BRANCH OFFICER

(The Signed Order is placed on the file)