

Dr. (Mrs) Usha Nath Vs. Ranchi Regional Development Authority and ors.

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SooperKanoon Citation : sooperkanoon.com/515638

Court : Jharkhand

Decided On : Jan-20-2005

Reported in : [2005(2)JCR278(Jhr)]

Judge : M.Y. Eqbal, J.

Appeal No. : WP (C) No. 182 of 2005

Appellant : Dr. (Mrs) Usha Nath

Respondent : Ranchi Regional Development Authority and ors.

Advocate for Def. : A.K. Singh, Adv.

Advocate for Pet/Ap. : Rajiv Ranjan, Adv.

Judgement :

M.Y. Eqbal, J.

1. The petitioner, who is a Non-Resident Indian, submitted a house plan to the respondent RRDA in April, 1995 along with fee of Rs. 11,400/-. The fee was paid by demand draft. The petitioner at that time was an NRI practicing in United Arab Emirate as Consultant Obstetrician & Gynecologist and now she is desirous to return India from UAE.

2. The petitioner's case is that she was never informed about the sanction of the plan. However, after coming to India when she inquired, she was informed by the respondent--RRDA that her plan was not sanctioned due to some defects and was rejected in 1999. The said rejection was communicated to the petitioner in 2002. The petitioner, thereafter, by letter dated 27.3.2003 was informed that the fee deposited by her, shall not be refunded and she will have to submit a fresh plan if she so likes. The petitioner, therefore, prayed for quashing the aforesaid letter dated 27.3.2003 and seeks an order directing RRDA to accept the same fee and sanction the plan.

3. As the petitioner's case is admittedly at a belated stage, no direction can be issued for sanctioning the said house plan and/or for the refund of the entire fee deposited by her. However, the petitioner may file a fresh plan according to the prevailing bye-laws and deposit the prevailing fee minus half of the amount deposited by her earlier. Then the RRDA shall take up the matter and sanctioned the plan in accordance with law within two months from the date of receipt of the fresh plan from the petitioner.

4. With the aforesaid directions and observations, this application is disposed of.