

Prashant Kumar and Ors Vs. State of Jharkhand Through Its Secretary Housing Board Department and Ors

Prashant Kumar and Ors Vs. State of Jharkhand Through Its Secretary Housing Board Department and Ors

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Court : Jharkhand

Decided On : Dec-10-2015

Appellant : Prashant Kumar and Ors

Respondent : State of Jharkhand Through Its Secretary Housing Board Department and Ors

Judgement :

1 IN THE HIGH COURT OF JHARKHAND AT RANCHI W. P. (C) No. 1346 of 2015

1. Vijay Shankar Jha, S/o Late Shyam Sundar Jha, Rikhia Road No. 1A, Bum Bum Kutia, Deoghar, Jharkhand

2. Pawan Kumar Singh, S/o Sri Surya Dev Pratap Singh, Central Reserve Police Force, Dhurwa, Ranchi

3. Hare Krishna Kumar, S/o Sri Bhola Nath Singh, Dhurwa, Ranchi

4. Jaykant Kumar, S/o Sri Narendra Sharma, Kusai Electrical Colony, Doranda, Ranchi

5. Kavita Devi, W/o Sri Ajay Kumar Thakur, Sri Raghunand Thakur, Chutia, Ranchi

6. Binod Prasad Agrawal, S/o Late Muni Lal Agrawal, University Colony, Bariatu, Ranchi Petitioners Versus

1. State of Jharkhand through its Secretary, Housing Department, Govt. of Jharkhand, Project Bhawan, Dhurwa, Ranchi

2. Secretary, Govt. of Jharkhand, Housing Department, FFP Building, Dhurwa, Ranchi

3. Principal Secretary, Govt. of Jharkhand, Project Bhawan, Dhurwa, Ranchi

4. Deputy Secretary, Housing Department, Govt. of Jharkhand, FFP Building, Dhurwa, Ranchi

5. Jharkhand State Housing Board, through its Managing Director, Harmu Housing colony, Harmu, Argora, Ranchi

6. Managing Director, Jharkhand State Housing Board, Harmu, Ranchi

7. Estate Officer, Jharkhand State Housing Board, Harmu Housing Colony, Argora, Ranchi

8. Executive Engineer, Jharkhand State Housing Board, Harmu Housing Colony, Harmu, Ranchi

9. Nitin Kulkarni, erstwhile Secretary, Housing Department, FFP Building, Dhurwa, Ranchi, now at present posted as Secretary, Registration Department, Govt. of Jharkhand, Engineering Hostel, Dhurwa, Ranchi, residence at HIG21, Harmu, Ranchi

10. Sanjiv Sharan, S/o Late Mahendra Nath Sharan, erstwhile Deputy Secretary, Housing Department, FFP Building, Dhurwa, Ranchi, presently residing at Flat no. A1403, Symphony Apartment, Near Shahjanand Chowk, POHarmu, P.S. Argora, Harmu Housing Colony, Ranchi ... Respondents with W. P. (C) No. 1650 of 2015
Mani Nath Sahu, son of Late Harakh Nath Sahu, Resident of Argora, Kathal More Road, P.O. Ashok Nagar, P.S. Argora, Distt. Ranchi Petitioner 2 Versus

1. The State of Jharkhand through the Secretary, Housing & Urban Development Department, Govt. of Jharkhand, Secretariat Building, Dhurwa, Ranchi
2. The Deputy Secretary, Housing & Urban Development Department, Govt. of Jharkhand, Secretariat Building, Dhurwa, Ranchi
3. The Jharkhand State Housing Board, through its Managing Director, Jharkhand State Housing Board Headquarters, Harmu, Argora, Ranchi
4. The Managing Director, Jharkhand State Housing Board, Harmu, Argora, Ranchi
5. The Estate Officer, Jharkhand State Housing Board, Harmu, Argora, Ranchi
6. The Executive Engineer, Jharkhand State Housing Board, Ranchi Division, Harmu, Argora, Ranchi ... Respondents with W. P. (C) No. 1679 of 2015 Dr. Pearl Easter Minz, Daughter of Nahoom Minz, Resident of 290/C Ashok Nagar, P.O. Ashok Nagar, P.S. Argora, District Ranchi ... Petitioner Versus

1. The State of Jharkhand through the Secretary, Housing & Urban Development Department, Govt. of Jharkhand, Secretariat Building, Dhurwa, Ranchi
2. The Deputy Secretary, Housing & Urban Development Department, Govt. of Jharkhand, Secretariat Building, Dhurwa, Ranchi
3. The Jharkhand State Housing Board, through its Managing Director, Jharkhand State Housing Board Headquarters, Harmu, Argora, Ranchi
4. The Managing Director, Jharkhand State Housing Board, Harmu, Argora, Ranchi
5. The Estate Officer, Jharkhand State Housing Board, Harmu, Argora, Ranchi
6. The Executive Engineer, Jharkhand State Housing Board, Ranchi Division, Harmu, Argora, Ranchi ... Respondents with W. P. (C) No. 1778 of 2015

1. Pramod Kumar S/o Sri Udeswar Manjhi, Resident of Kadru Pul Toli, Hinoo, P.O. & P.S. Hinoo, Doranda, Ranchi

2. Sanjay Kumar S/o Sri Kedar Nath Ram, Resident of HI/15 , Harmu Housing Colony, P.O. Harmu, P.S. Argora, Ranchi 3
 3. Deepak Kumar Sharma S/o Sri Vinod Sharma, Resident of Girls School Road, Chowk Bazaar, P.O. & P.S. Bundu, Ranchi
 4. Ashok Kumar Das S/o Sri Prem Chand Ravi, Resident of A/12, Sakest Vihar, Harmu Housing Colony, P.O. Harmu, P.S. Argora, Ranchi Petitioners Versus
1. State of Jharkhand through Secretary, Housing Department, Govt. of Jharkhand, Project Bhawan, Dhurwa, Ranchi
 2. Secretary, Government of Jharkhand, Housing Department, FFP Building, Near Project Bhawan, Dhurwa, Ranchi
 3. Principal Secretary, Government of Jharkhand, Project Bhawan, Dhurwa, Ranchi
 4. Deputy Secretary, Housing Department, Govt. of Jharkhand, FFP Building, Near Project Bhawan, Dhurwa, Ranchi
 5. Jharkhand State Housing Board, through its Managing Director, Harmu Housing Colony, Harmu, Argora, Ranchi
 6. Managing Director, Jharkhand State Housing Board, Harmu, Housing Colony, Harmu, Argora, Ranchi
 7. Estate Officer, Jharkhand State Housing Board, Harmu, Housing Colony, Harmu, Argora, Ranchi
 8. Executive Engineer, Jharkhand State Housing Board, Harmu, Housing Colony, Harmu, Argora, Ranchi
 9. Nitin Kulkarni, erstwhile Secretary, Housing Department, Government of Jharkhand, FFP Building, Near Project Bhawan Dhurwa, Ranchi, now at present posted as Secretary, Agriculture Department, Govt. of Jharkhand, Nepal House, Doranda Ranchi, residence at House No. HIG21, Harmu, Housing Colony, near

Harmu Chowk, Ranchi

10. Sanjiv Sharan, S/o Late Mahendra Nath Sharan, erstwhile Deputy Secretary, Housing Department, Govt. of Jharkhand, FFP Building, Dhurwa, Ranchi, residing at 3C, Shiwalik Apartment, North Office Para, Doranda, Ranchi ... Respondents with W. P. (C) No. 2110 of 2015

1. Prashant Kumar S/o Sri Nawal Kishore Prasad Singh, Resident of Modi Compound, Sati Mandir Lane, Ratu Road, P.O. & P.S. Sukhdeo Nagar, Ranchi

2. Prem Sagar Singh s/o late Jagdish Singh, resident of 5031, 4F, Janvrit4F, P.O. & P.S. Janvrit 4, Bokaro

3. Smt. Sunanda Rairker w/o Sri Kamlesh Kumar Ojha, resident of S.T.05, Religarha, Giddi A, P.O. & P.S. Giddi A, Hazaribagh

4. Poonam Pandey W/o Sri Dinesh Kumar Pandey, resident of Old Civil Surgeon House, Booti Road, Karam Toli Chowk, P.O. Ranchi University, P.S. Lalpur, Ranchi 4

5. Dinesh Kumar Bariar S/o late Sidheshwari Prasad, resident of DS2 (Type IV), Behind Railway Health Centre, North Railway Colony, Chutia, P.O. & P.S. Chutia, Ranchi

6. Nand Gopal Chourasia S/o Late Moti Lal Chourasia, resident of LIGR/63, Harmu, P.O. Harmu, P.S. Argora, Ranchi

7. Smt Alka Singh W/o Sri Arvind Kumar Singh, Resident of A3, Mahamaya Apartment, Harihar Singh Road, Morabadi, P.O. Bariatu, P.S. Sadar, Ranchi
Petitioners Versus

1. The State of Jharkhand through the Secretary, Housing Department, Govt. of Jharkhand, Project Bhowan, Dhurwa, Ranchi

2. Secretary, Government of Jharkhand, Housing Department, FFP Building, Near Project Bhawan, Dhurwa, Ranchi

3. Principal Secretary, Government of Jharkhand, Project Bhawan, Dhurwa, Ranchi
 4. Deputy Secretary, Housing Department, Govt. of Jharkhand, FFP Building, Near Project Bhawan, Dhurwa, Ranchi
 5. Jharkhand State Housing Board, through its Managing Director, Harmu Housing Colony, Harmu, Argora, Ranchi
 6. Managing Director, Jharkhand State Housing Board, Harmu, Housing Colony, Harmu, Argora, Ranchi
 7. Estate Officer, Jharkhand State Housing Board, Harmu, Housing Colony, Harmu, Argora, Ranchi
 8. Executive Engineer, Jharkhand State Housing Board, Harmu, Housing Colony, Harmu, Argora, Ranchi ... Respondents with W. P. (C) No. 2161 of 2015
1. Dinesh Prasad Sahu S/o Sri Shyam Prasad, resident of Devi Mandap Road, Sarovar Nagar, Hesal, P.O. & P.S. Hesal , Ranchi,
 2. Sangeeta Sinha S/o Sri Kumar Sanjay Sinha, resident of Paras Apartment, Flat No. 409, Imli Chowk, Harmu, P.O. Harmu, P.S., Argora, Ranchi
 3. Shivadhar Tiwary s/o late Ram Taluka Tiwary, resident of Tiwari Niwas, Gali No. 07, Jai Prakash Nagar, P.O. & P.S. Jai Prakash Nagar, Dhanbad
 4. Rahul Kumar S/o Sri Anand Mohan Prasad, resident of Bengal Complex and Pharmaceuticals Ltd., 114B/4, Manda Bagicha, Harihar Singh Road, Morabadi, P.O. Bariatu, P.S. Sadar, Ranchi
 5. Manoj Kumar Ram S/o Sri Rajendra Prasad Ram, resident of Kailash Bhawan 1376, by Pass Lane 35, Bhuiyan Toli, Kailash Bhawan, P.O. G.P.O., P.S. Kotwali, Ranchi 5
 6. Bidhyut Chourasia S/o Sri Madan Mohan Lal Chourasia, resident of 53/B, Lower Bazaar, P.O. G.P.O., P.S. Lower Bazaar, Ranchi

7. Rashmi Kanoi W/o Sri Rahul Kanoi, Resident of Kutchery Road, Bihar Club, Shahid Chowk, P.O. G.P.O., P.S. Kotwali, Ranchi
8. Sushil Kumar Sharan S/o Sri Satyanarayan Sharma, resident of F/4, Uma Shanti Vihar, Station Road, Chutia, P.O. & P.S. Chutia, Ranchi Petitioners Versus
1. State of Jharkhand through its Secretary, Housing Department, Govt. of Jharkhand, Project Bhawan, Dhurwa, Ranchi
2. Secretary, Government of Jharkhand, Housing Department, FFP Building, Near Project Bhawan, Dhurwa, Ranchi
3. Principal Secretary, Government of Jharkhand Project Bhawan, Dhurwa, Ranchi
4. Deputy Secretary, Housing Department, Govt. of Jharkhand, FFP Building, Near Project Bhawan, Dhurwa, Ranchi
5. Jharkhand State Housing Board, through its Managing Director, Harmu Housing Colony, Harmu, Argora, Ranchi
6. Managing Director, Jharkhand State Housing Board, Harmu, Housing Colony, Harmu, Argora, Ranchi
7. Estate Officer, Jharkhand State Housing Board, Harmu, Housing Colony, Harmu, Argora, Ranchi
8. Executive Engineer, Jharkhand State Housing Board, Harmu, Housing Colony, Harmu, Argora, Ranchi ... Respondents with W. P. (C) No. 2207 of 2015 Sarita Devi, W/o Late Murari Kumar, resident of: C/o Deonarayan Sahu, Plot, No. 1805, House No.250, Savitri Colony, Argora Bypass Road, P.O. Harmu, P.S. Argora, Town & District Ranchi Petitioner Versus
1. The State of Jharkhand through its Chief Secretary, Project Building P.O. & P.S. Dhurwa, Distt. Ranchi
2. The Secretary, Department, Government of Jharkhand, FFP, Building, HEC, Dhurwa, Ranchi 3. The Deputy Secretary, Housing Department, Govt. of

Jharkhand, FFP Building, HEC, Dhurwa, Ranchi

4. The Jharkhand State Housing Board, through its Managing Director, having its office at Harmu Housing Colony, Harmu, Argora, Ranchi 6

5. The Managing Director, Jharkhand State Housing Board, Harmu, its office at Harmu Housing Colony, Harmu, Argora, Ranchi

6. Sanjiv Sharan, S/o Late Mahendra Nath Sharan, erstwhile Deputy Secretary, Housing Department, Govt. of Jharkhand, FFP Building, HEC, Dhurwa, Ranchi, resident of 3C, Shiwalik Apartment, Doranda, Ranchi ... Respondents with W. P. (C) No. 2208 of 2015

1. Deepak Kumar, S/o Late Ram Jatan Prasad, St. Michael's Public School, Pundag, Jagarnathpur, Ranchi

2. Umesh Das, S/o Sri Badal Das, Sundar Pan Shop, Upper Bazar, Ranchi

3. Vibha Kumari, W/o Sri Suresh Prasad Safedi, Harmu Housing Colony, Harmu, Ranchi

4. Santosh Kumar, S/o Late Janardhan Lal, Shiv Shakti Nagar, Kishoreganj, Harmu Road, Kishoreganj, Ranchi

5. Smt. Basanti Devi, W/o Sri Narayan Singh, Near Astha Care, Harmu, Ranchi

6. Pratima Devi, W/o Sri Rajesh Kumar, Russian Hostel, Dhurwa, Ranchi

7. Kumar Niraj, S/o Binod Kumar Lal, Harmu Housing Colony, Harmu, Ranchi

8. Seema Agarwal, W/o Sri Sanjay Kumar Agarwal, Agarwal Mansion, Harmu Bazaar, Harmu, Ranchi

9. Rajib Kumar Ranjan @ Rajeev Kumar Ranjan, S/o Sri Shyam Lal Mehra, Argora Housing colony, Argora, Ranchi

10. Shankar Oraon, S/o Late Ramdhani Oraon, resident of c/o Sri Arvind Kumar Tiwari, New Area, Tundwa, Garhwa duly represented through its constituted power

of Attorney Holder namely, Sri Anish Kumar Tiwari S/o Sri Arvind Kumar Tiwari

11. Smt. Sukro Devi, W/o late Mahesh Munda, Pundag, Jagarnathpur, Ranchi

12. Rajeev Kumar Singh, S/o Sri Kishori Prasad Singh, Harmu Housing colony, Harmu, Argora, Ranchi Petitioners Versus

1. State of Jharkhand through its Secretary, Housing Department, Govt. of Jharkhand, Project Bhawan, Dhurwa, Ranchi

2. Secretary, Govt. of Jharkhand, Housing Department, FFP Building, Dhurwa, Ranchi

3. Principal Secretary, Govt. of Jharkhand, Project Bhawan, Dhurwa, Ranchi

4. Deputy Secretary, Housing Department, Govt. of Jharkhand, FFP Building, Dhurwa, Ranchi 7

5. Jharkhand State Housing Board, through its Managing Director, Harmu Housing colony, Harmu, Argora, Ranchi

6. Managing Director, Jharkhand State Housing Board, Harmu, Ranchi

7. Estate Officer, Jharkhand State Housing Board, Harmu Housing Colony, Harmu, Ranchi

8. Executive Engineer, Jharkhand State Housing Board, Harmu Housing Colony, Harmu, Ranchi ... Respondents with W. P. (C) No. 2210 of 2015 Ghanshyam Biruly, s/o Late Pargana Biruli, Janak Kutir, Budh Vihar Road, Ashok Puram, Argora, Ranchi Petitioner Versus

1. The State of Jharkhand through its Chief Secretary, Project Building, Dhurwa, Ranchi

2. The Secretary, Housing Department, Govt. of Jharkhand, FFP Building, Dhurwa, Ranchi

3. Deputy Secretary, Housing Department, Govt. of Jharkhand, FFP Building, Dhurwa, Ranchi
 4. The Jharkhand State Housing Board, through its Managing Director, Harmu Housing Colony, Harmu, Argora, Ranchi
 5. The Managing Director, Jharkhand State Housing Board, Harmu, Ranchi
 6. Sanjiv Sharan, s/o Late Mahendra Nath Sharan, erstwhile Deputy Secretary, Housing Department, Govt. of Jharkhand, FFP Building, Dhurwa, Ranchi resident of Shiwalok Apartment, Doranda, Ranchi ... Respondents with W. P. (C) No. 2240 of 2015
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1. Nirbhay Shankar Harit, S/o Late Brij Mohan Harit, Partibha Enterprises, Uppar Bazaar, Kotwali, Ranchi
 2. Virendra Kumar Sharma, S/o Late Shiv Dutt Sharma, E12, HEC Colony, Dhurwa, Ranchi
 3. Rajiv Ranjan Pandey, S/o Sri Uday Shankar Pandey, PHED Colony, Bariyatu, Ranchi
 4. Mithlesh Kumar, S/o Sri Ram Chandra Prasad Sahu, Harmu Housing Colony, Harmu, Ranchi
 5. Dilip Kumar Dubey, S/o Sri Baikunth Narayan Dubey, Dhurwa, Ranchi
Petitioners Versus
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1. State of Jharkhand through its Secretary, Housing Department, Govt. of Jharkhand, Project Bhawan, Dhurwa, Ranchi 8
 2. Secretary, Housing Department, Govt. of Jharkhand, Project Bhawan, Dhurwa, Ranchi
 3. Principal Secretary, Govt. of Jharkhand, Project Bhawan, Dhurwa, Ranchi
 4. Deputy Secretary, Housing Department, Govt. of Jharkhand, FFP Building, Dhurwa, Ranchi

5. Jharkhand State Housing Board, through its Managing Director, Harmu Housing Colony, Harmu, Argora, Ranchi
6. Managing Director, Jharkhand State Housing Board, Harmu, Ranchi
7. Estate Officer, Jharkhand State Housing Board, Harmu Housing Colony, Argora, Ranchi
8. Executive Engineer, Jharkhand State Housing Board, Harmu Housing Colony, Harmu, Ranchi ... Respondents with W. P. (C) No. 2448 of 2015 Priyaranjan Kumar, Son of Sri Satish Ravidas, Kadam Tola, Mohanpur, Hiranpur, Pakur
Petitioner Versus
1. State of Jharkhand through its Secretary, Housing Department, Govt. of Jharkhand, FFP Building, Dhurwa, Ranchi
2. Secretary, Housing Department, Govt. of Jharkhand, FFP Building, Dhurwa, Ranchi
3. Managing Director, Jharkhand State Housing Board, Harmu, Ranchi
4. Estate Officer, Jharkhand State Housing Board, P.O. Ashok Nagar, Argora, Ranchi
5. Executive Engineer, Jharkhand State Housing Board, P.O. Ashok Nagar, P.S. Argora, Ranchi ... Respondents with W. P. (C) No. 2478 of 2015 Sushil Kumar Prasad Sinha, Son of Sri Deo Kumar Prasad Sinha, Resident of house No, H1/269, Harmu Housing Colony, P.O. Harmu, P.S.. Argora, District Ranchi, (Jharkhand)
Petitioner Versus
1. The State of Jharkhand through its Secretary, Housing Department, Govt. of Jharkhand, Project Bhawan, Dhurwa, Ranchi
2. The Secretary, Govt. of Jharkhand, Housing Department, FFP Building, Dhurwa, Ranchi 9
3. The Principal Secretary, Govt. of Jharkhand, Project Bhawan, Dhurwa, Ranchi

4. The Deputy Secretary, Housing Department, Govt. of Jharkhand, FFP Building, Dhurwa, Ranchi
5. The Jharkhand State Housing Board, through its Managing Director, Harmu Housing colony, Harmu, Argora, Ranchi
6. The Managing Director, Jharkhand State Housing Board, Harmu, Ranchi
7. The Estate Officer, Jharkhand State Housing Board, Harmu Housing Colony, Argora, Ranchi
8. The Executive Engineer, Jharkhand State Housing Board, Harmu Housing Colony, Harmu, Ranchi ... Respondents with W. P. (C) No. 2481 of 2015 Lila Verma, W/o Late Sachendra Nath Verma 525, Bazaar Toli P.O. Kalebira , District Simdega Petitioner Versus

1. State of Jharkhand through its Secretary, Housing Department, Govt. of Jharkhand, Project Bhawan, Dhurwa, Ranchi
2. Secretary, Govt. of Jharkhand, Housing Department, FFP Building, Dhurwa, Ranchi
3. Principal Secretary, Govt. of Jharkhand, Project Bhawan, Dhurwa, Ranchi
4. Deputy Secretary, Housing Department, Govt. of Jharkhand, FFP Building, Dhurwa, Ranchi
5. Jharkhand State Housing Board, through its Managing Director, Harmu Housing Colony, Harmu, Argora, Ranchi
6. Managing Director, Jharkhand State Housing Board, Harmu, Ranchi
7. Estate Officer, Jharkhand State Housing Board, Harmu Housing Colony, Argora, Ranchi
8. Executive Engineer, Jharkhand State Housing Board, Harmu Housing Colony, Harmu, Ranchi

9. Nitin Kulkarni, erstwhile Secretary, Housing Department, FFP Building, Dhurwa, Ranchi, now at present posted as Secretary, Agriculture Department, Govt. of Jharkhand, Nepal House, P.O. Doranda, Ranchi, residence at HIG21, Harmu, Ranchi

10. Sanjiv Sharan, S/o Late Mahendra Nath Sharan, erstwhile Deputy Secretary, Housing Department, FFP Building, Dhurwa, Ranchi, residing at 3C, Shiwalok Apartment, Doranda, Ranchi ... Respondents 10 with W. P. (C) No. 2510 of 2015 Sanjay Prakash, son of Sri Ram Chandra Ram, resident of 619F. Burdman Compound, Lalpur, P.O. & P.S., Lalpur, Distt. Ranchi Petitioner Versus

1. The State of Jharkhand

2. The Principal Secretary, Urban Development Department, Govt. of Jharkhand, Project Bhawan, Dhurwa, Ranchi

3. Jharkhand State Housing Board, through its Managing Director, having its office at Harmu, P.O. Harmu, P.S. Argora, Distt. Ranchi

4. The Land Estate officer, Jharkhand State Housing Board, P.O. Harmu, P.S. Argora, Distt. Ranchi

5. The Executive Engineer, Jharkhand State Housing Board, Ranchi Division, P.O. Harmu, P.S. Argora, Distt. Ranchi ... Respondents with W. P. (C) No. 2519 of 2015 Shashi Kumar Mishra S/o Late Sushil Kumar Mishra, Resident of Flat No.3 LF/50, Harmu Housing Colony, P.O. Harmu, P.S. Argora, Distt. Ranchi Petitioner Versus

1. The State of Jharkhand through its Secretary, Housing Department, Govt. of Jharkhand, Project Bhawan, Dhurwa, Ranchi

2. The Secretary, Govt. of Jharkhand, Housing Department, FFP Building, Dhurwa, Ranchi

3. The Principal Secretary, Govt. of Jharkhand, Project Bhawan, Dhurwa, Ranchi

4. The Deputy Secretary, Housing Department, Govt. of Jharkhand, FFP Building, Dhurwa, Ranchi
5. The Jharkhand State Housing Board, through its Managing Director, Harmu Housing Colony, Harmu, Argora, Ranchi
6. The Managing Director, Jharkhand State Housing Board, Harmu, Ranchi
7. The Estate Officer, Jharkhand State Housing Board, Harmu Housing Colony, Argora, Ranchi
8. The Executive Engineer, Jharkhand State Housing Board, Harmu Housing Colony, Harmu, Ranchi ... Respondents 11 with W. P. (C) No. 2583 of 2015 Chandrajit Kumar, Son of Satyendra Narayan Singh, resident of 24 New A.G. Colony, Kadru, Ranchi², P.O. Doranda, P.S. Argora, Distt.Ranchi Petitioner Versus

1. The State of Jharkhand through its Secretary, Housing Department, Govt. of Jharkhand, Project Bhawan, Dhurwa, Ranchi
2. The Secretary, Govt. of Jharkhand, Housing Department, FFP Building, Dhurwa, Ranchi
3. The Principal Secretary, Govt. of Jharkhand, Project Bhawan, Dhurwa, Ranchi
4. The Deputy Secretary, Housing Department, FFP Building, Dhurwa, Ranchi
5. The Jharkhand State Housing Board, through its Managing Director, Harmu Housing Colony, Harmu, Argora, Ranchi
6. The Managing Director, Jharkhand State Housing Board, Harmu, Ranchi
7. Estate Officer, Jharkhand State Housing Board, Harmu Housing Colony, Argora, Ranchi
8. Executive Engineer, Jharkhand State Housing Board, Harmu Housing Colony, Harmu, Ranchi

9. Nitin Kulkarni, erstwhile Secretary, Housing Department, FFP Building, Dhurwa, Ranchi, now at present posted as Secretary, Registration Department, Govt. of Jharkhand, Engineering Hostel, Dhurwa, Ranchi, residence at HIG21, Harmu, Ranchi

10. Sanjiv Sharan, S/o Late Mahendra Nath Sharan, erstwhile Deputy Secretary, Housing Department, FFP Building, Dhurwa, Ranchi, now at present posted as Joint Secretary, Water Resource Department, Nepal House, Ranchi, residing at 3C, Shiwalok Apartment, Doranda, Ranchi ... Respondents with W. P. (C) No. 2605 of 2015

1. Sudesh Kumar Verma, S/o Sri Sheo Shankar Narayan, resident of 57/B, Aryapuri, Ratu Road, P.O. G.P.O, P.S. Sukhdeo Nagar, Ranchi

2. Mamta Devi D/o Sri Lalji Rajak, resident of New Kishore Ganj Road no. 6/2, P.O. G.P.O., P.S. Kotwali, Ranchi

3. Dr. Pankaj Choudhary S/o Dr. S.N. Choudhary, resident of Choudhary Nursing Home, Devi Mandap Road, P.O. Hehal, P.S. Sukhdeo Nagar, Ratu Road, Ranchi

4. Rahul Pasari S/o Sri Prakash Kumar Pasari, resident of Amla Tola, P.O. & P.S. & District Chaibasa, West Singhbhum 12

5. Smt. Kanchan Lal D/o Late Ram Chander Prasad Arun, resident of Tagore Enclave Road, Tagore Hill, P.O. Morabadi, P.S. Bariatu, Ranchi University, Ranchi

6. Madhu Choudhary W/o Sri Brahmanand Choudhary, resident of C/o Sri Subodh Choudhary, Harmu, P.S. Argora, Ranchi

7. Nand Kishore Singh S/o Sri Chandrama Singh, resident of Sector 3/B, Quarter No. 310, P.O. & P.S. Bokaro Steel City, Bokaro Steel City, District Bokaro

8. Babu Lal Singh S/o Sri Harihar Singh, resident of Shivaji Nagar, Harmu Housing Colony, P.O. Harmu, P.S. Argora, Ranchi

9. Navin Kumar Pandey S/o Sri Nawal Kishore Pandey, resident of J/F 7/3, Harmu Housing Colony, P.O. Harmu, P.S. Argora, Ranchi

10. Rupa Sharma W/o Sri Gautam Kumar Sharma, resident of Bhuiyan Toli, Gadi Khana, P.O. G.P.O., P.S. Kotwali, Ranchi Petitioners Versus

1. State of Jharkhand through its Secretary, Housing Department, Govt. of Jharkhand, Project Bhawan, Dhurwa, Ranchi

2. Secretary, Govt. of Jharkhand, Housing Department, FFP Building, Dhurwa, Ranchi

3. Principal Secretary, Govt. of Jharkhand, Project Bhawan, Dhurwa, Ranchi

4. Deputy Secretary, Housing Department, Govt. of Jharkhand, FFP Building, Dhurwa, Ranchi

5. Jharkhand State Housing Board, through its Managing Director, Harmu Housing Colony, Harmu, Argora, Ranchi

6. Managing Director, Jharkhand State Housing Board, Harmu, Ranchi

7. Estate Officer, Jharkhand State Housing Board, Harmu Housing Colony, Argora, Ranchi

8. Executive Engineer, Jharkhand State Housing Board, Harmu Housing Colony, Harmu, Ranchi ... Respondents with W. P. (C) No. 2606 of 2015

1. Pappu Bhakodiya S/o Late Sri Kanji Bhakodiya, resident of House no. 1394/A, Bhuiyan Toli, Agrasen path, P.O. G.P.O., P.S. Kotwali, Ranchi

2. Mangal Kumar Murmu S/o Sri Daso Murmu, resident of Upper Hatia (Harijan Basti), Patel Nagar, Hatia, P.O. & P.S. Jagarnathpur, Ranchi

3. Om Prakash S/o Sri Jagdish Sharan Gupta, resident of Plot no. 4/2, near Patel Chowk, Harmu Housing Colony, P.O. Harmu, P.S. Argora, Ranchi 13

4. Michael Lakra S/o Late Joseph Lakra, resident of Jam Chuan, P.O. & P.S. Namkum, Ranchi Petitioners Versus

1. State of Jharkhand through its Secretary, Housing Department, Govt. of Jharkhand, Project Bhawan, Dhurwa, Ranchi
2. Secretary, Govt. of Jharkhand, Housing Department, FFP Building, Dhurwa, Ranchi
3. Principal Secretary, Govt. of Jharkhand, Project Bhawan, Dhurwa, Ranchi
4. Deputy Secretary, Housing Department, Govt. of Jharkhand, FFP Building, Dhurwa, Ranchi
5. Jharkhand State Housing Board, through its Managing Director, Harmu Housing Colony, Harmu, Argora, Ranchi
6. Managing Director, Jharkhand State Housing Board, Harmu, Ranchi
7. Estate Officer, Jharkhand State Housing Board, Harmu Housing Colony, Argora, Ranchi
8. Executive Engineer, Jharkhand State Housing Board, Harmu Housing Colony, Harmu, Ranchi ... Respondents with W. P. (C) No. 2824 of 2015

1. Abinash Kumar Dipak, Son of Late Sri Shakti Prasad Singh, Resident of New Area, Morabadi, P.O. Ranchi University, P.S. Bariatu, District Ranchi
Petitioner Versus

1. The State of Jharkhand through its Secretary, Housing & Urban Development Department, Govt. of Jharkhand, Secretariat Building, Dhurwa, Ranchi
2. The Secretary, Housing & Urban Development Department Govt. of Jharkhand, Secretariat Building, Dhurwa, Ranchi
3. The Jharkhand State Housing Board through its Headquarters, P.O. Harmu, P.S. Argora, District. Ranchi
4. The Managing Director, Jharkhand State Housing Board, Harmu, Ranchi
5. The Estate Officer, Jharkhand State Housing Board, Harmu, Argora, Ranchi

6. The Executive Engineer, Jharkhand State Housing Board, Ranchi Division, Harmu Ranchi ... Respondents 14 with W. P. (C) No. 2847 of 2015

1. Sudhansu Shekhar, Son of Sri Awdhesh Kumar Baranwal, resident of in front of St. Louis School, Hill View Colony, Harmu, Town and District Ranchi

2. Satish Kumar Verma, Son of Sri Sudarshan Verma, Resident of Road no.4, Kishoreganj, G.P.O., town and District - Ranchi Petitioners Versus

1. State of Jharkhand through its Secretary, Housing Department, Govt. of Jharkhand, Project Bhawan, Dhurwa, Ranchi

2. Secretary, Govt. of Jharkhand, Housing Department, FFP Building, Dhurwa, Ranchi

3. Principal Secretary, Govt. of Jharkhand, Project Bhawan, Dhurwa, Ranchi

4. Deputy Secretary, Housing Department, Govt. of Jharkhand, FFP Building, Dhurwa, Ranchi

5. Jharkhand State Housing Board, through its Managing Director, Harmu Housing Colony, Harmu, Argora, Ranchi

6. Managing Director, Jharkhand State Housing Board, Harmu, Housing Colony, Harmu, Ranchi

7. Estate Officer, Jharkhand State Housing Board, Harmu Housing Colony, Argora, Ranchi

8. Executive Engineer, Jharkhand State Housing Board, Harmu Housing Colony, Harmu, Ranchi

9. Nitin Kulkarni, erstwhile Secretary, Housing Department, FFP Building, Dhurwa, Ranchi, now at present posted as Secretary, Registration Department, Govt. of Jharkhand, Engineering Hostel, Dhurwa, Ranchi, residence at House no. HIG21, Harmu, Ranchi

10. Sanjiv Sharan, S/o Late Mahendra Nath Sharan, erstwhile Deputy Secretary, Housing Department, FFP Building, Dhurwa, Ranchi, now at present posted as Joint Secretary, Water Resource Department, Nepal House, Ranchi, residing at 3C, Shiwalok Apartment, Doranda, Ranchi ... Respondents ----- CORAM: HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR For the Petitioners : Mr. Anil Kumar Sinha, Sr. Advocate Mr. Pratyush Kumar, Advocate [in W.P.(C) Nos. 1346/ 2016, 2110/2015, 2161/2015, 2208/2015, 2240/2015, 2605/2015, 2606/2015] Mr. Rahul Kumar, Advocate Mr. S. Prakash, Advocate [in W.P.(C) nos. 1650 of 2015, 1679 of 2015 and 2824 of 2015] 15 Mr. N. Kumar, Advocate [in W.P.(C) No. 1778/2015] Mr. Pramod Kumar Pankaj, Advocate [in W.P.(C) no. 2207 of 2015 and 2210 of 2015] Mr. Siddhant, Advocate [in W.P.(C) no. 2481 of 2015] Ms. Bharti Kumari, Advocate Mr. Bhanu Kumar, Advocate [in W.P.(C) no. 2448 of 2015] Mr. S. Kumar, Advocate [in W.P.(C) Nos. 2478/2015, 2519/2015] Mr. N. Tiwari, F. Ahmad, A. Pandey, Advocates [in W.P.(C) No. 2583 of 2015] Mr. A. Kumar, Advocate [in W.P.(C) No. 2481 of 2015] Mr. Ashok Kumar Yadav, Advocate Mr. Ashish Priyadarshi, Advocate [in W.P.(C) No. 2847 of 2015] Mr. Ananda Sen, Advocate Mr. Vijay Kant Dubey, Advocate [in W.P.(C) No. 2510 of 2015] For the Respondent State : Mr. Ajit Kumar, A.A.G. [in W.P.(C) nos. 1346/2015, 2110/2015, 2240/2015, 2519/2015, 2606/2015, 2847/2015] : Mr. Atanu Banerjee, G.A. [in W.P.(C) nos. 2448/2015 and 2824 of 2015] : Mr. Manoj Kumar, S.C. Mines Mr. Sunil Singh, J.C. to S.C (Mines) [in W.P.(C) No. 2208 of 2015 and 2510 of 2015] : Mr. D. K. Dubey, Sr. S.C. I Ms. Ruchi Rampuria, Advocate [in W.P.(C) no. 2210 of 2015 and 1679 of 2015] : Mr. Jai Prakash, AAG Mrs. Chaitali C. Sinha, J.C. to AAG [in W.P.(C) No. 2481 of 2015 and 2605 of 2015] : Mr. A. Allam, Sr. S.C. II Mr. Sarvendra Kumar, J.C. to Sr. S.C II Mrs. Priya Shreshtha, J.C. to Sr. S.C. II [in W.P.(C) Nos. 1650/2015, 2161/2015, 2207/201, 2583/2015] For the Respondent Housing Board : Dr. A. K. Singh, Advocate Mr. Vishal Kr. Singh, Advocate Mr. Sachin Kumar, Advocate Mr. V. N. Choudhary, Advocate For the Respondent no. 9 : Mr. Namit Sinha, Advocate [in W.P.(C) nos. 1346/2015, 1778/2015 and 2481/2015] 07/10.12.2015 In all the writ petitions decision of the State of Jharkhand dated 21.03.2015 and the decision of the Jharkhand State Housing Board in its 40th Meeting held on 07.04.2015 16 have been impugned by the petitioners. The learned counsel for the petitioners submits that in all the writ

petitions, a common question of law is involved. The main challenge of the petitioners is to the decision taken by the State Government which was communicated to the Managing Director, Jharkhand State Housing Board vide letter dated 21.03.2015. The learned counsel appearing for the parties agreed that W.P.(C) No. 1346 of 2015 may be taken up as the lead case.

2. Heard the learned counsel for the parties.

3. Mr. Anil Kumar Sinha, the learned Senior counsel appearing for the petitioners in W.P.(C) No. 1346 of 2015 leading the argument submits that the impugned order dated 21.03.2015 suffers from serious infirmity in law besides, it discloses serious errors of record. It is submitted that the lottery conducted pursuant to advertisement published on 29.06.2011 was captured in the video and, the Housing Board has asserted that the procedure as laid down under the Regulations were duly followed. On complaints received by the Government, a 4Man Enquiry Committee was constituted which submitted reports holding that no irregularity was found in the allotments. It is further submitted that the Managing Director, Jharkhand State Housing Board also sent reports confirming that the allotments were made strictly in terms of the Housing Board Act, Rules and Regulations framed thereunder. The learned Senior counsel alleging malafide on the part of the private respondents 17 challenges the Government decision dated 21.03.2015, actuated with malice in law. It is contended that the right of the allottees which has concretised in law, has been taken away by the State Government on a spacious plea that serious irregularities have been found in a subsequent enquiry. 4. Percontra, Mr. Ajit Kumar, the learned Additional Advocate General controverts the allegations of malafide and submits that the decision dated 21.03.2015 has been taken by the State Government to instill confidence of the general public in the rule of law. Justifying the impugned order dated 21.03.2015, the learned Additional Advocate General submits that the present writ petitions involve serious disputed questions of fact and on that ground alone, the writ petitions are liable to be dismissed.

5. The learned counsel for the respondent Housing Board submits that in view of Section 23 r/w Section 109 of the Jharkhand State Housing Board Act, 2000, the

Housing Board is bound to implement the directions issued by the State Government. The Board's decision dated 07.04.2015 is only a reiteration of the Government's decision dated 21.03.2015. It is submitted that the petitioners have no vested legal right to claim allotment of house/flat/plot.

6. I have carefully considered the submissions of the learned counsel for the parties and perused the documents on record. 18 7. From the materials produced in the present proceeding it is apparent that the impugned order dated 21.03.2015 has been passed without issuing notice to the petitioners. The order contained in the impugned letter dated 21.03.2015 mentions certain discrepancies conducted in the process undertaken by the Housing Board and the allotment of house/flat/plot. It is not in dispute that previously also a 4Man Enquiry Committee was constituted which enquired into the matter and previous Managing Director of the Housing Board has written letters to the State Government. The findings recorded in the enquiry allegedly conducted subsequently, have not been made known to the petitioners. It is also a matter of record that a copy of the said enquiry report has not been served upon the petitioners. The petitioners claim to have obtained copies of file notings and the enquiry report of the 4Man Committee. On the basis of these documents it has been contended on behalf of the petitioners that no irregularity was found in the conduct of lottery and allotment of house/flats/plots. The order contained in the impugned letter dated 21.03.2015 has visited the petitioners with serious civil consequences. Many of the petitioners have pleaded that they obtained loan from the Bank for repaying installments to the Housing Board. In many cases HirePurchase agreements have been executed and possession of the house/flats/plots have been delivered to the petitioners. In State of Orissa vs. (Miss) Binapani Dei (AIR 1967 SC 1269) 19 expanding the scope of the rules of natural justice, the Hon'ble Supreme Court held that even an administrative order which involves civil consequences must be made consistently with the rules of natural justice. The expression civil consequences covers infraction of property and personal rights besides, material deprivations and nonpecuniary damages. The principles of natural justice are thus, rules which have been read by the courts as being the minimum protection of the rights of the individual against arbitrary procedure that may be adopted by a judicial, nonjudicial and administrative authority while making an order affecting those rights. In the

celebrated case of Cooper vs. Wandsworth Board of Works [(1863) 143 ER 414] the principle was thus stated : Even God himself did not pass sentence upon Adam before he was called upon to make his defence. Since then the principles of natural justice have been chiselled, honed and refined, enriching its content. The Hon'ble Supreme Court has observed that the judicial treatment has added light and luminosity to the concept, like polishing of a diamond. In Canara Bank vs. Debasis Das (2003) 4 SCC 557, the Hon'ble Supreme Court has observed; the adherence to principles of natural justice as recognised by all civilized States is of supreme importance when a quasijudicial body embarks on determining disputes between the parties, or any administrative action involving civil consequences is in issue. The petitioners have brought abundance of materials on record to challenge the 20 decision of the Government, on merits. It has been contended on behalf of the petitioners that had an opportunity been given to them, they could have demonstrated before the authority that even if some minor infraction of rules/regulations have been detected, that would not affect the legality of the allotments made in their favour. 8. In the W.P.(C) No. 1346 of 2015, the petitioners have specifically asserted in paragraph nos. 41 and 59 that the impugned order dated 21.03.2015 has been issued in violation of rules of natural justice and the assertion by the petitioners has not been denied by the respondent State of Jharkhand in its counteraffidavit. No material has been brought on record to indicate that a notice was issued to the petitioners and copy of the enquiry report was supplied to them, before the impugned decision was taken by the Government to cancel the allotments rather, it is an admitted position that no notice was issued to the petitioners or any of the writ petitioners. In D. K. Yadav vs. J.M.A. Industries Ltd. (1993) 3 SCC 259, the Hon'ble Supreme Court has held thus ; 8. The cardinal point that has to be borne in mind, in every case, is whether the person concerned should have a reasonable opportunity of presenting his case and the authority should act fairly, justly, reasonably and impartially. It is not so much to act judicially but is to act fairly, namely, the procedure adopted must be just, fair and reasonable in the particular circumstances of the case. In other words application of the 21 principles of natural justice that no man should be condemned unheard intends to prevent the authority from acting arbitrarily affecting the rights of the concerned person. 9. Considering the aforesaid facts,

without going into the merits of the rival contentions, I am of the opinion that the impugned order contained in letter dated 21.03.2015 requires interference on the ground of breach of the principles of natural justice and accordingly, it is quashed. The original record of the 40th Meeting of the Housing Board held on 07.04.2015 has been produced and I have perused the same. I find that the agenda in respect to the cancellation of allotments made pursuant to advertisement dated 29.06.2011 merely reproduces the contents of letter dated 21.03.2015. Consequently, the decision of the respondent Housing Board in its 40th Meeting held on 07.04.2015 cancelling the allotments in favour of the petitioners and others, is also quashed. 10. All the writ petitions stand allowed, in the aforesaid terms.

11. I.A. No. 6729 of 2015 [in W.P.(C) No. 1346 of 2015], I.A. No. 3775 of 2015, I.A. No. 6782 of 2015 [both in W.P.(C) No. 2478 of 2015] and I.A. No. 4410 of 2015 [in W.P.(C) No. 2448 of 2015] stand disposed of. (Shree Chandrashekhar, J.) Tanuj/.A.F.R.

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