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**(2025) 07 JH CK 1274**

**In the Jharkhand High Court**

**Case No : Writ Petition (C) No. 1849 of 2025**

Monika Prasad

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

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**Date of Decision :** 15-07-2025

**Acts Referred:**

**Citation :** (2025) 07 JH CK 1274

**Hon'ble Judges :** Gautam Kumar Choudhary, J

**Bench :** Single Bench

**Advocate :** Anish Kr. Mishra, Neil Abhijit Toppo, Sachin Kumar, Kumari Vedika

**Final Decision :** Allowed

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## **Judgement**

Gautam Kumar Choudhary, J

1. Petitioner was allotted a Plot bearing No. M-4 having an area of 1837.50 square feet at a cost of Rs. 11,52,956/- in terms of allotment order contained in Memo No. 2173 dated 13.10.2011 issued by respondent no. 2.

2. Petitioner paid the entire consideration amount in advance to the respondents in the year 2013. Despite the said payment made, as per the terms of allotment, the petitioner has not been handed over the possession of plot and a further demand has been raised vide Letter No.726 dated 10.09.2024, directing the petitioner to deposit Rs.11,27,822/-.

3. The instant writ petition has been filed for quashing the said demand and to hand over the physical possession of the said plot.

4. From the letter issued by the Executive Engineer, Jharkhand State Housing Board, Jamshedpur, as contained in Memo No. 393 dated 23.07.2024, it is evident that the entire consideration amount had been paid in advance. Despite this, how the present demand has been raised is rather strange and baffling. The demand, raised, is totally in contradiction and is not compatible with the letter issued by the Executive Engineer.

5. Learned counsel for the respondents-Housing Board seeks adjournment to file counter affidavit.

6. In view of the fact that there is no disputed question of fact on the basis of the pleadings and annexures, therefore, there is no need of filing counter affidavit in the present case.

7. Under the circumstance, respondent no. 2- Managing Director, Jharkhand State Housing Board is directed to look into the matter and take appropriate steps for handing over the possession of the plot, if the consideration amount has already been paid, as stated in Annexure-3. The physical possession be handed over within eight weeks of the order. The District Administration will co-operate in handing over the possession to the petitioner.

8. It is further clarified that if the payment of the consideration amount has been made in advance well within time, there cannot be a question of raising interest on the principal amount.

Accordingly, this writ petition is allowed. Pending I.A., if any, stands disposed of.