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IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16494 of 2015

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Ram Raksha Singh, son of Late Baidya Nath Singh, resident of Mohalla - Shivpuri, P.S. - Saharsa, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Executive Officer -Cum- Special Officer, Saharsa Municipality, Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Mukund
Ms. Sabjana

For the Respondent/s : Mr. SAnjeet Kumar Singh, AC to AAG-10

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 02-11-2015

Heard learned counsel appearing for the petitioner and learned counsel for the State.

The petitioner is aggrieved by the order passed by the Executive Officer, Nagar Parishad, Saharsa bearing Memo no.681 dated 25.4.2014, whereby the Executive Officer upon examination of the complaint made by the petitioner in the backdrop of the documents filed by the contesting parties, has decided in favour of the other party against whom an allegation was made by the petitioner that he has got his name mutated in collusion with the municipal authorities.

The petitioner had earlier moved this Court in CWJC No.6326 of 2007 and which was disposed of on 6.3.2012 with liberty to the petitioner to raise his grievance before the municipal

authority.

The order impugned in this writ petition manifests that the petitioner simply forwarded an application contesting the mutation in favour of one Chandrika Singh, son of late Ram Kripal Singh. The order rejecting his claim was passed on 25.4.2014 by the Executive Officer and which has been questioned before this Court after a lapse of almost one and half years on 9.10.2015. Perusal of the impugned order manifests that the municipal authority upon recording evidence of Tax Daroga and the documents filed by Chandrika Singh, son of late Ram Kripal Singh was satisfied that the house in question was situated in the land belonging to Ram Kripal Singh, father of Chandrika Singh and not in the land of Ram Raksha Singh, the petitioner herein. It is also on record that the municipal tax was being paid by Chandrika Singh, son of late Ram Kripal Sinch since 1994-95 i.e. the period of more than 20 years. A fact-finding enquiry was also conducted by the Executive Officer with the aid of Amin and which further confirmed that late Ram Kripal Singh, father of Chandrika Singh had got a plan passed from the Municipality and had constructed the house after obtaining loan from the financial institution. Even in the survey records the name of late Ram Kripal Singh father of Chandrika Singh has been entered. It is in view of these

uncontested materials on record which supported that the house was constructed on the land belonging to late Ram Kripal Singh, father of Chandrika Singh that the claim of the petitioner was rejected.

Although learned counsel appearing for the petitioner tried very strenuously to contest the opinion expressed by the Executive Officer, inter alia, on grounds that the papers filed by the petitioner to support his claim had been misplaced by the municipal authorities but considering that there is not a single document in the records of the writ petition to support such stand of the petitioner, in my opinion no infirmity can be attached to the decision of the Executive Officer.

The writ petition is accordingly disposed of.

(Jyoti Saran, J)

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