

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3543 of 2014

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Arjun Singh Son Of Late Surya Singh Resident Of Village - Bargaon Ghugha Tola,
P.S. Mairwa, District - Siwan

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Siwan
3. The Executive Engineer, Local Area, Engineering Organisation Work - Division,
Siwan

.... Respondent/s

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Appearance :

For the Petitioner/s : Dr. Uma Shankar Prasad, Sr. Adv.
Mr. Kamala Kant Tiwary, Adv.
For the Respondent/s : Mr. Nivedita Nirvikar, GA 10

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 15-12-2015

1. Heard the parties.

2. The present writ petition has been filed for quashing item no. 42 of the Tender Notice issued by the respondent no. 3 in tender notice no. 01/2013 for erecting a boundary wall allegedly describing as Kabristhan which is the land of the petitioner bearing Khata no. 60 Plot no. 1607 having an area of 11 kathas 17 dhur in village Barlgaon P.S. Mairwa Dist. Siwan.

3. Learned senior counsel, Sri Uma Shankar Prasad, appearing on behalf of the petitioner, submits that Title Suit no. 338/07 of 1938 was decreed on 30.08.1930 by the Additional Munisf, Siwan holding that the land in question belonged to the petitioner with

a part thereof belonging to the Kabristhan. It is further submitted that despite such decree, the boundary wall is proposed to be constructed even on the portion of the land decreed in favour of the petitioner.

4. Learned counsel for the respondents appears and has been heard.

5. Having heard the parties and on a careful consideration of the materials on record, this Court is of the view that the ends of justice will be met by directing the Collector, Siwan to consider and dispose of the petitioner's representation which is said to have been received in his office by registered post on 05.12.2013, if still pending, in accordance with law and having regard to the aforesaid decree dated 30.08.1930.

6. Until disposal of the petitioner's representation, further steps pursuant to the tender notice no. 01/2013 shall remain stayed.

(Vikash Jain, J)

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