

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2789 of 2015

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1. Ganga Sagar Ram son of Late Shyam Lal Ram, resident of village- New Area Mohan Bigaha, Old Ward No. 6, New Ward No. 17, P.O. Dalmiya Nagar, P.S. Dehri, District- Rohtas.

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Rohtas
3. The Circle Officer, Dehri, District- Rohtas
4. The Nagar Parishad, Dehri through its Chief Councillor.
5. The Chief Councillor, Nagar Parishad, Dehri, District- Rohtas
6. The Executive Officer, Nagar Parishad, Dehri, District- Rohtas
7. Sudarshan Prasad Singh
8. Ashok Kumar Singh
9. Ranjeet Singh
10. Randhir Singh
11. Anant Singh All sons of Jag Narayan Singh Respondent No. 7 to 11 are resident of village- Mohan Bigaha, Post- Dalmiya Nagar, Police Station- Dehri, District- Rohtas

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Choubey, Advocate.

For the Respondent/s : Mr. Partha Sarthi, GA-11

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 18-02-2015

Heard the counsel for the petitioner and GA-11 for the State.

Both parties have agreed for disposal of the writ application at this stage and hence the order.

The petitioner claims settlement of the six decimals of land details whereof have been set out in para 4 by way of a patta executed by the ex intermediary. He continued in possession thereof and in due course got his name mutated in the revenue records. The



subject land was brought under the jurisdiction of the municipal area Nagar Parishad, Dehri. The petitioner was treated as owner of the subject land and the construction thereover and was paying holding tax vide holding no. 569(A). To his utter surprise it revealed to the petitioner in the year 2014 that the aforesaid land has been wrongly recorded in the name of respondent nos.7 to 11. Promptly, thereafter he made an application before the Executive officer, Nagar Parishad which remained unheeded to. Hence the writ application.

The contention of the petitioner is that against any such wrong entry in the municipal records disentitling him from occupying the holding in question can be raised before the Municipal officer/Chief Municipal Officer or an officer empowered in this behalf by the State Govt. who can review the same. In spite of the aforesaid, the application/representation of the petitioner has not been considered and disposed of. It has, thus, been prayed that the application be disposed of by directing the concerned respondent i.e. the Executive Officer, Nagar Parishad and/or Chief Councillor, Nagar Parishad, (respondent nos. 6 and 5 respectively) to consider the said representation of the petitioner and take appropriate decision thereon.

Mr. Sarthi upon going through the pleadings on record and considering the stand taken by the petitioner has fairly submitted that if an application/representation has been filed which

can be examined/considered in the light of the provision of the Bihar Municipal Act and the same has remained undisposed of till date, this Court may issue suitable direction for disposal thereof in accordance with law.

Having heard the parties, the writ application is disposed of by directing the Executive Officer, Nagar Parishad, Dehri (respondent no.6) and/or the Chief Councillor of the Nagar Parishad (respondent no.5), whoever is empowered in this behalf, to consider the representation of the petitioner and take appropriate decision thereon as quickly as possible preferably within two months from such filing/presentation. The petitioner undertakes to file a copy of the Annexure-7 along with copy of this order before both the respondents within a period of three weeks enabling them to take appropriate decision in the light of the present order.

(Kishore Kumar Mandal, J)

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