

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10877 of 2013

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Ashish Shankar Son Of Late Vijay Shankar Sharan Singh Resident Of Village
Rajauli, P.O. And P.S. Rajauli, District Nawada

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Deputy Development Commissioner, Cum Chief Executive Officer, Zila Parishad, Nawada
3. The Circle Officer, Rajauli, District Nawada

.... Respondent/s

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 04-03-2016

Heard both sides.

A counter affidavit has been filed on behalf of the respondent no. 2 (Zila Parishad Nawada). The petitioner has filed rejoinder thereto challenging the advertisement dated 22.03.2013 published by the respondent Zila Parishad for settlement/auction of Bus Stand Rajauli on khata no. 29, measuring an area of 1.52 acres.

The writ application has been filed alleging that the said land belongs to the petitioner. In support of the said contention, the petitioner has relied on information given to him by the Assistant Engineer, National Highways, Rajauli on 14.09.2010 (Annexure-5). It is asserted that without acquiring the said land, the respondents have issued the advertisement for settlement/auction of the Bus Stand on the property of the petitioner. This Court by interim order dated 19.06.2013 restrained the respondent Zila Parishad from holding the auction of the said item for setting up the Bus Stand. The period for which the Bus Stand was to be auctioned/settled is

now over. The writ application as such has now become infructuous.

In the counter affidavit, the respondents have asserted that the said land was treated as Government land and a Bus Stand existed thereon which the State Government or the Zila Parishad used to settle right from 1994 Annexure-B series have been relied in support thereof. Even the Commissioner in the notification dated 14.04.2005, the subject land was treated as part of the Bus Stand. It is submitted on behalf of the respondents that no objection thereto was taken by the petitioner except by filing the present writ petition.

Whether the land belongs to the State or the Zila Parishad and/or to the petitioner is a question which requires to be raised by the aggrieved party before the Court of competent jurisdiction or the appropriate forum, in accordance with law. This Court will not go into the submission of the parties to decide the title over the said land.

As I have noticed, the writ petition challenges the advertisement published by the respondent Zila Parishad which by efflux of time has now become infructuous.

The writ application is disposed of.

(Kishore Kumar Mandal, J)

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