

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20643 of 2013

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1. Mukesh Kumar Son of Late Ram Narayan Kumar Resident of Village - Dumari, P.S. - Simari, District - Buxar
 2. Ravi Ranjan Kumar Son of Late Ram Narayan Kumar Resident of Village - Dumari, P.S. - Simari, District - Buxar

.... Petitioner/s

Versus

1. The State of Bihar through Collector, Buxar
2. The Collector, Buxar, District - Buxar
3. The Additional Collector Buxar, District - Buxar
4. The Circle Officer, Dumraon, District - Buxar
5. The Dumraon Nagar Parishad, through its Chairman, District - Buxar
6. The Chairman, Nagar Parishad, Dumraon, District - Buxar
7. The Executive Officer, Dumraon Nagar Parishad, District - Buxar
8. Hari Nandan Kumar Son of Late Vyash Muni Kumar Resident of Village - Dumari, P.S. - Simari, District - Buxar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Aditya Nath Pandey, Adv.

For the Respondent/s : Mr. Neeraj Nandan, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 18-04-2016 Heard learned counsel for the parties.

In the nature of the order which this court proposes to pass, it would not require a notice to the respondent no.8.

The petitioners seeks to question an order dated 19.8.2009 passed by the Executive Officer, Dumrao Nagar Parishad in Case No. 2 of 2009-10 whereby the name of the respondent No.8 has been entered in the records of the municipality exclusively on the basis of 'Ekrarnama' stated to have been executed by their father in favour of the respondent No.8. The matter relates to a holding

situated in Old Ward No. 10, New Ward No. 13 bearing Holding No. 50/9 corresponding to Khata No. 248 Plot No. 1232 under Dumrao Nagar Parishad, Mohalla Station Road, Ayodhya Singh Ke Gali, in the district of Buxar.

Facts pleaded on record manifests that the order impugned was passed on 19.8.2009 on the basis of an 'Ekrarnama' stated to have been executed by the father of the petitioners in favour of the respondent No.8. Facts also reflect that a Title Suit bearing Title Suit No. 172 of 1998 was filed by the father of the petitioners and respondent No.8 and a decree was passed in favour of both of them on 30.11.2010. It is further pleaded that the Circle Officer has mutated the property holding in question in favour of the petitioners. Fact also reflect that rent has been fixed by the DCLR on 4.6.2012 present at Annexure-3. It is on this backdrop that the petitioners stand up to question the order passed by the Nagar Parishad, Dumrao Executive Officer Nagar Parishad Dumrao on 19.8.2009 inter alia on grounds that the 'Ekrarnama' relied upon by the respondent No.8 to seek a mutation in the municipal records is a forged document.

Although Mr. Pandey learned counsel appearing on behalf of the petitioners seeks to question the order on the subsequent developments i.e the decree of the civil court on 30.11.2010 as

well as the order of Rent Fixation passed by the D.C.L.R on 4.6.2012 but there is nothing on record to show that any grievance has been raised by the petitioners before the municipality. In the circumstances the writ petition is disposed of with liberty to the petitioners to exhaust the remedy available to him under the provisions of the Bihar Municipal Act, 2007 to question the mutation granted in favour of respondent No.8 and it goes without saying that any such application filed by the petitioner before the Executive Officer, Dumarao Nagar Parishad would be considered and disposed of in accordance with law and after opportunity of hearing to the petitioners and respondent no. 8 expeditiously and preferably within 6 months from the date of receipt/production of a copy of this order.

The writ petition is disposed of.

(Jyoti Saran, J)

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