

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16610 of 2014

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1. Manoj Chand son of Late Manik Chand resident of Mohalla - Bharaoper,
P.S. Laheri, District - Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Nagar Vikash Bibhag, Patna
3. The Nagar Aayukut, Biharsharif Municipal Corporation, P.S. Bihar,
District - Nalanda
4. Ashok Kumar son of Late Indradeo Prasad resident of Mohalla -
Mathuria, P.S. Laheri, District - Nalanda
5. Punam Chand son of Late Manik Chand resident of Mohalla - Bharaoper,
P.S. Laheri, District - Nalanda

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra, Adv.
For the Respondent/s : Mr. Ajit Pratap Singh, SC 15
For the Corporation : Mr. Gyan Prakash Ojha, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 04-01-2016 Heard Mr. Anil Chandra, learned counsel for the petitioner,

learned counsel for the State and Mr. Gyan Prakash Ojha, learned

counsel for the Municipal Corporation.

The petitioner is aggrieved by the order dated 30.7.2014
passed by the respondent Municipal Commissioner, Biharsharif
Municipal Corporation, District- Nalanda in Mutation Case No.
181 of 2013 whereby the Municipal Commissioner while
accepting the application of the private respondent No.4 for
mutation has disposed of the objection filed by the petitioner and
respondent No.5 with liberty to get the issue of title resolved by a



court of competent civil jurisdiction. The contesting parties herein claimed title to the property in question. While the petitioner along with respondent No.5 seeks it by virtue of a sale deed, the private respondent seek it through succession. The issue reached before the Sub Divisional Magistrate and who has confirmed the issue in favour of the respondent No.4. Learned counsel for the petitioner submits that the order passed by the Sub Divisional Magistrate was set aside by the 1st Additional District Judge, Nalanda with a liberty to the petitioner to get the issue of title resolved before the court of civil jurisdiction.

The Municipal Commissioner considering the documents as well as the orders passed on the contest has seconded the opinion by accepting the application of the respondent No.4 for mutation and in disposing of the objection of the petitioner and respondent No.5 to get the matter resolved through a court of competent civil jurisdiction.

Having heard learned counsel for the parties and considering the nature of dispute raised as well as the opinion recorded by the Municipal Commissioner preserving liberty to the petitioner to get the matter resolved before the court of competent civil jurisdiction, I am not persuaded to interfere with the same at the present stage. Since the contest requires an adjudication on the

issue of title hence even this Court deems it appropriate for the petitioner to get the same resolved through the court of competent civil jurisdiction.

The writ petition is accordingly disposed of.

(Jyoti Saran, J)

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