

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13375 of 2014**

**With**  
**Interlocutory Application No. 8379 of 2016**

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Barnali Sinha D/o Late P.K. Sinha, R/o- 102 Panchratna Apartment 7A  
Kasturba Path, Near Jamuna Apartment, Boring Road, Patna- 1, Director  
M/s Sinha Property Developers Pvt. Ltd., 405, Pushpanjali Complex,  
Boring Road, P.S.- S.K. Puri, Town & District- Patna

.... .... Petitioner/s

Versus

1. The State of Bihar through the Divisional Commissioner, Patna
2. The District Magistrate-Cum-Collector, Patna
3. The Additional District Collector, Patna
4. The Deputy Collector Land Reforms, Patna City, Patna
5. The Sub Divisional Officer, Patna City, Patna
6. The Circle Officer, Patna Sadar, Patna

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Gautam Kejriwal, Advocate  
Mr. Atal Bihari Pandey, Advocate  
For the Respondent/s : Mr. Parth Sarthi, GA 4  
Mr. Utsav Kumar, AC to GA 4

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

3      24-10-2016                      Heard the learned counsel appearing on behalf of the  
petitioner and the learned Government Advocate-4, appearing on  
behalf of the respondents.

2. The petitioner is aggrieved by letter/communication dated 9<sup>th</sup> July, 2013 issued under the signature of Secretary to the Divisional Commissioner, Patna addressed to the Additional Collector, Patna, as contained in Annexure-7 to the writ petition, whereby certain directions have been issued to the subordinate authorities of the State Government with respect to the lands under dispute.

3. The learned counsel appearing on behalf of the petitioner submits that there is/was no lis pending before the Divisional Commissioner, Patna with respect to the lands claimed



by the petitioner or by one Smt. Vidhya Devi. According to him, in absence of any lis, no direction could have been issued by the Divisional Commissioner through his Secretary by the impugned letter dated 9<sup>th</sup> July, 2013. It is contended that some lis was brought before the respondent DCLR, Patna City with respect to the lands in question, but that was dismissed by order dated 04.08.2012 (Annexure-1). It is next contended that the matter is still subjudice before the Additional Collector, Patna regarding cancellation of jamabandi with respect to the lands in question, but no final order has been passed till date; therefore, according to him, during pendency of the aforesaid proceeding, the impugned letter/communication dated 9<sup>th</sup> July, 2013 was wholly unwarranted and is patently illegal.

4. The learned Government Advocate-4, appearing on behalf of the respondents, has fairly conceded that though regarding lands in question some disputes are pending before the other authorities including the Additional Collector, Patna, but at the moment, no lis has been brought by either side before the Divisional Commissioner, Patna. Therefore, he submits that even if this Court is inclined to set aside the impugned communication issued under the signature of the Secretary to the Divisional Commissioner, then the other proceedings going on between the parties with respect to the lands claimed may be allowed to continue so that same are taken to their logical conclusions.

5. After having heard the parties and taking into consideration the fair stand taken by the learned Government Advocate-4 appearing on behalf of the respondents as also the plea taken on behalf of the petitioner that no lis is/was pending before the Divisional Commissioner, Patna with respect to the lands in

question, fully described in paragraphs 4 and 5 to the writ petition, the impugned letter/communication dated 9<sup>th</sup> July, 2013 issued under the signature of the Secretary to the Divisional Commissioner, Patna, as contained in Annexure-7 to the writ petition, is hereby set aside and quashed. However, it is clarified that quashing of the impugned letter/communication shall not, in any manner, prejudice the pending proceedings before the competent authorities with respect to the lands in question. The other proceedings pending before the competent authorities with respect to the lands in question shall be taken to their logical conclusions in accordance with law, after giving an opportunity of hearing to all concerned including the petitioner and other interested persons, if any.

**6.** In the result, the writ petition stands allowed to the extent indicated, but with the observations and directions made above. I.A.No. 8379 of 2016 is, accordingly, disposed of. However, the parties are left to bear their own costs.

**(Birendra Prasad Verma, J)**

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