

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13914 of 2015

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1. Dhiraj Kumar S/o Late Brijnandan Prasad Resident of Mohalla -
Alinagar, Police Station - Bihar, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Urban
Development, Government of Bihar, Patna.
2. The Collector, Nalanda.
3. The Executive Officer-cum-Municipal Commissioner, Municipal
Corporation, Biharsharif, Nalanda.
4. Sri Rajendra Prasad S/o Late Khemjeet Patwa Resident of Mohalla -
Alinagar, Police Station - Bihar, District - Nalanda.
5. Sri Sanjay Kumar S/o Late Baijnath Prasad Resident of Mohalla -
Alinagar, Police Station - Bihar, District - Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md.Imteyaz Ahmad
For the State : Mr. Naman Nayak, AC to AAG-10
For the Nalanda Municipal Corp. : Mr. G.P. Ojha
For the Respondents 4 & 5 : Mr. Ravindra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 10-07-2018 Heard both sides.

The petitioner preferred this writ petition against the
order dated 10.07.2015 passed by Municipal Commissioner,
Bihar Sharif, Nalanda by which the Municipal Commissioner
cancelled the order passed in Mutation case no. 263 of 2013 and
ordered for mutating the names of Rajendra Prasad and Sanjay
Kumar, respondent nos. 4 & 5 with regard to holding no. 280.

After some argument, the learned counsel for the
petitioner seeks permission to withdraw this writ petition as under



Section 143 of Bihar Municipal Act, 2007 any order passed by the Municipal Commissioner is appealable under Section 143 of Bihar Municipal Act, 2007.

In this view of the fact, this writ petition is disposed of as withdrawn to enable the petitioner to file appeal before the District Judge against the order impugned along with the limitation petition and the District Judge upon such dispose of the limitation petition in view of the fact that petitioner has chosen the wrong forum and decide the appeal on merit.

(Prabhat Kumar Jha, J)

BKS/Rajan

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