

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6215 of 2018

Meera Singh

... .. Petitioner/s

Versus

The State Of Bihar and Ors

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Singh, Advocate
For the Respondent/s : Mr.Vivek Prasad- Gp7

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 26-06-2019

I.A. No.8267 of 2018

Heard learned counsel for the petitioner as well as
learned counsel representing the State.

The petitioner, by filing this interlocutory application,
has sought modification of the order dated 16.4.2018 passed in
C.W.J.C. No.6215 of 2018 whereby, while granting the reliefs
prayed in the writ application, a direction was issued to
respondent No.2 to unseal and release the property in question
to the petitioner on the petitioner furnishing the original title
deed of the property in question.

Learned counsel for the petitioner submits that the
original title deed has been misplaced and cannot be produced
before the District Magistrate, Patna. Learned counsel for the



petitioner submits that he has lodged a Sanha in this regard vide Annexure 3 to the interlocutory application and has offered to submit certified copy of the title deed. Learned counsel submits that the District Magistrate, Patna is not accepting the certified copy of the original title deed in view of the order of this Court, particularly the condition as imposed in paragraph 3 of the order.

Learned counsel representing the State submits that while granting release of the property in question, the interest of the State is also to be protected and for that reason the prayer of the petitioner to modify paragraph '3' of the order may be considered by imposing such adequate conditions which will protect the interest of the State.

Having heard learned counsel for the parties, in the facts and circumstances of the case, we are of the considered opinion that the Collector-cum-District Magistrate, Patna may consider the request of the petitioner in the light of the submission that the original title deed has been misplaced and in that regard a Sanha has also been submitted vide Annexure 3 to the present application. He would consider the submission of learned counsel for the petitioner that in addition to the certified copy of the original title deed, the petitioner is ready to give an



undertaking and furnish a declaration duly supported by an affidavit that the original title deed has not been kept with any financial institution and no equitable mortgage of the property in question has been undertaken as also that on availability of the original title deed in future, the same shall be provided to the District Magistrate, Patna.

With the aforesaid observations and directions, the interlocutory application is disposed of.

The order passed in C.W.J.C. No. 6215 of 2018 will be taken to have been modified to that extent.

(Amreshwar Pratap Sahi, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/-

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