

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16241 of 2011**

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Ratan Kumar Mishra @ Ranta Mishra, S/O Late Vishnukant Mishra, Resident  
Of Village- Darhar, P.S. Bahadurpur, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Bihar, Patna
2. The Commissioner, Darbhanga Division, Darbhanga.
3. The Collector, Darbhanga.
4. The Darbhanga Municipal Corporation, Darbhanga through Its Chief Executive Officer, Darbhanga.
5. The Municipal Commissioner, Darbhanga Municipal Corporation, Darbhanga.
6. Kailash Kumar Mahto, S/O Sri Kusheshwar Prasad Mahto, Resident of Mohalla- Laxmipur, Balbhadrapur (B.K. Road), P.O. And P.S. Laheriasarai, District- Darbhanga.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Kaushalesh Choudhary, Advocate |
| For the Respondent/s | : | Mr. Rajesh Singh, Gp16             |
| For Respondent No.6  | : | Mr. Shashi Shekhar, Advocate       |
| For Municipal Corp.  | : | Mr. Bindhyachal Rai, Advocate      |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

10     17-04-2019                      Earlier the writ petition was disposed of by the Court, which was challenged before the L.P.A. Court on the ground that proper opportunity was not provided to the private respondent herein and the order was passed against the interest of private respondent. After considering the aforesaid, the L.P.A. Court allowed the appeal.

2. Heard learned counsel for the parties. It appears that the issue is only procedural, as according to the counsel appearing on behalf of Darbhanga Municipal Corporation, the petitioner has simply filed application, but not completed the



formality of the post-facto approval. If the issue involves in the present writ application is submission of application in the prescribed format for post-facto sanction, then it would be in the interest of justice that the petitioner may approach the Municipal Corporation, Darbhanga for post-facto approval after completing all the formalities.

3. In case, such application is filed by the petitioner, the Municipal Corporation, Darbhanga will take appropriate decision at the earliest preferably within a period of 60 days from the date of receipt of representation along with a copy of this order. At the time of passing order, if necessary, the Municipal Corporation may hear all stakeholders including the private respondent, as private respondent has claimed that the land in question is not the land of the petitioner, but the land belongs to him.

4. With the aforesaid, the present writ application stands disposed of.

**(Anil Kumar Upadhyay, J)**

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