

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 2672 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 13886 of 2011

Radhey Shyam Agrawal, Son of Late Purshottam Das Agrawal, Residing at Flat No. 406, Bansal Tower, Bhattacharya Road, Police Station Gandhi Maidan, District – Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Town Development, Dr. S. Sidarth, S/o Name Not Known, Government of Bihar, Patna.
2. Sri Kuldeep Narayan Son of Not Known, the Commissioner, Patna Municipal Corporation, Maurya Complex, Patna-800001.

... .. Opposite Party/s

with

Miscellaneous Jurisdiction Case No. 2673 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 13886 of 2011

Sanjay Singh, Son of Sri Gobardhan Prasad, Resident of Village- Dayalpur, Police Station- Thana Bihpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary Dr. S. Sidarth, Son of Name Not known, Department of Town Development, Government of Bihar, Patna.
2. Sri Kuldeep Narayan Son of Not Known the Commissioner, Patna Municipal Corporation, Maurya Complex, Patna-800001.

... .. Opposite Party/s

Appearance :

(In Miscellaneous Jurisdiction Case No. 2672 of 2014)

For the Petitioner/s	:	Mr. Krishna Chandra, Advocate
For the PMC	:	Mr. Prasoon Sinha and Mr. Sanjay Prakash Verma, Advocates
For the State	:	Mr. R. B. Prasad Yadav, AAG 11 Mr. Dinesh Maharaj, AC to AAG 11 Mr. Jitendra Kumar, AC to AAG 11

(In Miscellaneous Jurisdiction Case No. 2673 of 2014)

For the Petitioner/s	:	Mr. Krishna Chandra, Advocate
For the PMC	:	Mr. Prasoon Sinha and Mr. Sanjay Prakash Verma, Advocates
For the State	:	Mr. R. B. Prasad Yadav, AAG 11 Mr. Dinesh Maharaj, AC to AAG 11



Mr. Jitendra Kumar, AC to AAG 11

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 01-07-2019

Heard learned counsel for the petitioners; learned AC to AAG 11 for the State and Mr. Prasoon Sinha, learned counsel for the Patna Municipal Corporation.

2. The petitioners have moved the Court alleging disobedience and violation of the order dated 10.07.2013 passed in CWJC No. 13886 of 2011.

3. The challenge in the writ petition filed by the opposite party no. 8 was for quashing of the communication dated 15.06.2011 contained in Memo No. 2824 dated 14.07.2011 issued by the Estate Officer of Patna Municipal Corporation addressed to the respondents no. 4, 5 and 6 informing them that since they have transferred Plot No. 309/B (Block-B) situated in Rajendra Nagar, Patna in violation of the terms and condition described in the deed of lease as also Rule 20 of the Patna Regional Development Authority (Disposal of Land) Rules, 1978 (hereinafter referred to as the 'Rules') without prior permission of the concerned authority, mutation of the transferee pursuant to such transfer can only be allowed after they deposit 50% of the amount which they have earned on sale of the said land at the rate fixed by the



Government within 15 days failing which action would also be taken under Sections 20 and 22 of the Rules for cancellation of the allotment.

4. After hearing the parties, by order dated 10.07.2013, the Court had quashed the notice by which the transferors of Sanjay Singh were directed to deposit 50% of the earned amount.

5. It is not in dispute that the land had already been mutated and action was only contemplated on failure to pay 50% of the earned amount, but after passing of the order, no coercive step for cancellation of mutation in the name of Sanjay Singh has been taken by the Patna Municipal Corporation.

6. From the aforesaid, it is clear that the order of the Court has not been violated by the opposite parties, especially the Patna Municipal Corporation.

7. Accordingly, the applications stand disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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