

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23992 of 2019

1. Rajesh Kumar Son of Late Krishan Deo Narayan Resident of 301-B, Sheela Palace, New Patliputra Colony, P.S. and P.O.- Patliputra, District- Patna.
2. Smt. Hema Sinha Wife of Sri Rajesh Kumar Resident of 301-B, Sheela Palace, New Patliputra Colony, P.S. and P.O.- Patliputra, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Urban Development, Government of Bihar, Patna.
2. The Commissioner Patna Municipal Corporation, Mourya Lok Complex, Patna.
3. The Estate Officer Patna Municipal Corporation, Mourya Complex, Patna.
4. Smt. Banshi Veerpriya D/o Late B.N. Sahu Resident of 126E, Sri Krishnapuri, P.S.- Sri Krishnapuri, District- Patna at present resident 16/1436, Indira Nagar, Lucknow (U.P.)
5. Shri Bijoy Anandn Son of Late B.N. Sahu Resident of 126E, Sri Krishnapuri, Patna.
6. Sri Abhiram Veera Son of Late Satya Deo Resident of 423-C, Mahanagar, Lucknow.
7. Sri Bikas Anand Son of Late B.N. Sahu Resident of 126E, Sri Krishnapuri, District- Patna.
8. Smt. Bijayshree Jaiswal D/o Late B.N. Sahuy Resident of 126E, Sri Krishnapuri, P.S.- Sri Krishnapuri, District- Patna.
9. Smt. Bikashree Jaiswal D/o Late B.N. Sahu Resident of 126E, Sri Krishnapuri, P.S.- Sri Krishnapuri, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Vijay Kumar Srivastva, Advocate
For the Respondent/s	:	Mr.Yogendra Prasad Sinha (AAG7)
For the PMC	:	Mr. Prasoon Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 03-12-2019

The petitioners are the purchasers of the land which was initially settled in favour of one Baidya Nath Sahu by the Patna Municipal Corporation. After the death



of the original lessee, the land in question came in possession of the respondents who are the legal heirs of aforesaid Mr. Sahu.

In the year 2011, a notice was issued to the petitioners by the Estate officer of Patna Municipal Corporation asking them to explain as to under what circumstances, a land which has been settled someone else and which lease deed is not transferable, the petitioners had purchased the property.

The petitioners appear to have responded to the aforesaid notice long time back but no decision as yet has been taken. The occasion for the Patna Municipal Corporation to issue such notice arose when an application was made by the petitioners for mutating their names in the lease.

Mr. Prasoon Sinha, learned advocate for the Patna Municipal Corporation submits that no action with respect to the aforesaid show cause notice is in contemplation for the present as can be inferred from the



circumstance that no action has till now been taken on the notice which was issued in the year 2011. However, he does admit the obligation of the Corporation to dispose of the reply which has been filed by the petitioners pursuant to the notice issued by the Estate officer of the Corporation.

Learned counsel for the petitioners has submitted that the issue with respect to transferability of a lease deed stands settled by the decision of the Supreme Court, which affirms such leases to be transferable.

In any view of the matter, the show cause notice and the reply is required to be taken to its logical conclusion.

The Patna Municipal Corporation is therefore directed to dispose of the aforesaid reply furnished by the petitioners by a reasoned order. In case, the claim of the petitioners is found to be tenable, necessary order is also required to be passed for mutating the name of the



petitioners in the record. The entire process be completed within a period of six months.

This Court has provided for this arrangement which has to be followed only if such reply of the petitioners has not been disposed of.

With the aforesaid direction/observation, the writ petition stands disposed of.

(Ashutosh Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	

