

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8019 of 2020

Pratima Shukla Wife of Mahendra Nr. Choubey Resident of Mohalla
Alamganj Ghauki, P.O.- Gulzarbagh, P.S.- Alamganj, District- Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Revenue and Reforms
Department, Patna, Bihar.
2. The Executive Officer Patna City Circle of Patna Municipal Corporation,
Gulzarbagh, Patna.
3. Madan Mohan Prasad Sinha Son of Late Ram Krishan Lal Resident of
Mohalla Alamganj Chouki, P.S.- Gulzarbagh, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rajiv Ranjan Kr. Pandey
For the Respondent/s	:	Mr.Ajay, GA-5
For Municipal Corpn	:	Mr. Prasoon Sinha

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 01-10-2020 This writ application has been filed seeking direction

to the respondents to comply with an order dated 28.08.1985,

passed by the Chief Executive Engineer, Patna Municipal

Corporation in M.A. Case No. 276/1982, whereby, he had

remanded the matter to the Executive Officer, Patna City Circle,

for a fresh decision.

It is the petitioner's case that it was specifically
mentioned in the said order that the Executive Officer, Patna
City did not have any authority to review his own order.

The matter relates to Holding No. 98A, which the
petitioner claims to have been created in her favour and she had



been paying rent to Patna Municipal Corporation. Subsequently by an order dated 28.08.1978, the Executive Officer passed an order unsettling creation of the holding in the petitioner's favour. The said order was challenged before the appellate authority, which had given rise to MA No. 276 of 1982. The appellate authority, while disposing the appeal clearly came to a conclusion that the land in question was maintained in the register in the name of Patna Municipal Corporation over which the petitioner had constructed a thatched house. However, sustaining the technical objection raised on behalf of the petitioner that the Executive Officer did not have the jurisdiction to review his own order, he had remanded the matter back by the said order dated 28.08.1985. It is the case of the petitioner that till date, the said matter has not been decided.

It transpires from the pleadings and the submissions made on behalf of the parties that thereafter the petitioner herself had filed a title suit giving rise to Title Suit No. 408 of 1986, which was dismissed. The said decision attained finality up to the level of the Supreme Court. It thus, transpires that the petitioner's claim of her title over the land in question, has been turned down decisively up to the level of the Supreme Court.



In such circumstance, no interference is required in the present proceeding.

This application is, accordingly, dismissed.

No order as to costs.

(Chakradhari Sharan Singh, J)

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