

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.308 of 2021

In

Civil Writ Jurisdiction Case No.10857 of 2020

Sanjay Kumar, Son of Late Girish Singh, Resident of Mohalla-Bhikhna
Pahari, Police Station-Pirbahore, District-Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Housing and Urban Development Department, Government of Bihar, Patna.
3. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
4. The Collector, Patna.
5. The Nagar Parishad, Danapur Nizamatt through its Executive Officer, Danapur, Patna.
6. The City Executive Officer, Nagar Parishad Nizamatt, Patna, Bihar.
7. The Circle Officer, Danapur Circle, Patna.
8. The M/s Singh Developers Represented through his Partner Pankaj Kumar, S/o Sri Vijay Kumar Singh, Office Cum Resident-Gandhi Nagar, Danapur, P.S.-Digha, District-Patna.
9. M/s Surya Developers and Planner Pvt. Ltd. represented through Managing Director Ramesh Prasad Singh, S/o Sri Jagat Narayan Singh, Office at Shivganga Vihar, Ambedkar Path, Bailey Road, Patna.
10. Dharambir Prasad Singh, Son of Late Naresh Chandra Singh, Resident of Gola Road, Gajadharchak, P.S.-Danapur, District-Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. K.N.Chaubey, Sr. Advocate
Mr. Sanjay Kumar Singh, Advocate

For the Respondent/s : Mr. Yogendra Prasad Sinha, AAG 7

For the Nagar Parishad : Mr. Sunil Kumar, Advocate

For the Resp. No. 10 : Mr. J.S.Arora, Sr. Advocate
Mr. Karandeep Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJAN GUPTA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)



Date : 21-10-2021

The instant memo of appeal is being preferred against the order dated 26.03.2021 passed by the learned Single Judge in CWJC No. 10857 of 2020, titled as **Dharambir Prasad Singh vs. The State of Bihar and Ors.** whereby and whereunder the learned Single Judge has allowed the writ petition filed by the Respondent No. 10 herein and quashed the order dated 04.09.2020 as contained in Memo No. 1674 (Annexure-6 to the writ petition) issued under the signature of Respondent No. 6 namely The City Executive Officer, Nagar Parishad Nizamat, Patna, Bihar, by holding that the same is without jurisdiction and legally unsustainable.

It is not in dispute that post passing of the impugned order dated 26.03.2021, the Respondent No. 10/appellant herein, has taken recourse to remedy in terms of the liberty granted by the learned single Judge.

Learned counsel for the appellant fairly states that the Respondent No. 10/appellant herein has now preferred a title suit which is pending before the Civil Court. Learned counsel states that perhaps, direction may be issued for expeditious disposal of the same.

Neither Shri J.S.Arora, learned senior counsel,



who appears for the private respondent no. 10 herein/writ petitioner, nor the State has any objection in that regard.

As such, we dispose of the present appeal with a direction to the trial court to expedite the title suit.

It is clarified that we have not expressed any opinion on the merits of the case and left open all questions of fact and law to be adjudicated in the proceeding already initiated by the appellant herein before the trial court.

Since, the parties have been litigating for long, we request the trial court to dispose of the title suit expeditiously, preferably within a period of two years, in accordance with law. The parties shall fully co-operate in the proceeding and shall not take any unnecessary adjournment.

(Sanjay Karol, CJ)

(Rajan Gupta, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	22.10.2021
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