

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8754 of 2020**

Md. Sarfaraz Ahmad @ Munna Jee, S/o Late Md./ Khatib Resident of Village-Sabalpur, P.S.-Didarganj Present P.S.-Nadi thana, District-Patna, Pin-800009

... .. Petitioner

Versus

1. That State of Bihar, through the District Magistrate, Patna.
2. The District Magistrate Cum Collector, Patna.
3. The Circle Officer, Patna Sadar.
4. The Seeretary, PHED, Bihar, Patna.
5. The Executive Engineer, PHED (West), Patna.
6. The Executive Engineer, PHED (East), Patna.

... .. Respondents

**Appearance :**

For the Petitioner/s : Mr.Lakmesh Marvind, Advocate  
For the Respondent/s : Mr.Raj Kishore, GP 18

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

4      01-02-2021                      Heard learned Counsel for the petitioner and the learned Counsel for the State.

The petitioner has approached this Court with a complaint that a water tower is being erected on his private land. He asserts title to the lands in question based on xerox copy of Khatian and some rent receipts of the year 1962, which have been placed on record.

The petitioner's assertion in respect of title based on such documents cannot be gone into in a writ proceeding. The appropriate remedy for such assertion of title for establishing the same based on documents can only be done after meticulous examination of factual aspects arising out of the same in a duly constituted civil proceeding, wherein evidence can be examined.

Being faced with such difficulty Mr. Lakmesh



Marvind, learned Counsel appearing for the petitioner, submits that the petitioner has already approached the Circle Officer, who is the recommending authority for construction of water tank on the petitioner land by a representation (Annexure 4). The petitioner has also approached the Executive Engineer, Public Health Engineering Department (Patna West), Patna. The same however has been referred to the Executive Engineer, Public Health Engineering Department (Patna East), Patna. This reference to the Public Health Engineering Department, Patna East is apparent from the order contained in Annexure 6 of the writ petition. The objection has neither been considered by the Circle Officer, Patna Sadar nor by the Executive Engineer, Public Health Engineering Department (Patna West), Patna. Learned Counsel for the petitioner submits that once the applications have been made the authorities should have considered the same and at least taken a decision on these objections of the petitioner.

In view of such submissions, this Court would dispose of the writ petition with a direction to the Executive Engineer, PHED (West), Patna (respondent No. 5) to dispose of the petitioner's representation in accordance with law, preferably within a period of two weeks from the date of receipt/production of a copy of this order.

The writ application stands disposed of.

**(Madhuresh Prasad, J)**

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