

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11593 of 2022

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Sanjiv Kumar Singh, Son of Ravindra Nath Singh, Resident of Village Raghunathpur, P.S. Turkauliya (Raghunathpur O.P.), District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Patna.
2. The District Magistrate, East Champaran at Motihari.
3. The Additional Collector, District- East Champaran.
4. The Sub- Divisional Officer, Sadar Sub Division, District- East Champaran.
5. The Land Reform Deputy Collector, Sadar District- East Champaran at Motihari.
6. The Incharge Officer District General Section, District- East Champaran at Motihari.
7. The Incharge Officer District Law Division East Champaran at Motihari.
8. The Circle Officer, Motihari, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Respondent/s : Mr. Rishi Raj Sinha, SC-9

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-08-2022

The petitioner has prayed for the following relief/s :-



(i) For issuance of a writ in the nature of Mandamus directing and commanding the respondent no.2 District Magistrate East Champaran to grant No Objection Certificate for MS/HSD retail outlet dealership over Khata No.54, Plot No.1077 area 11:22 decimal Thana No. 196 Tauzi No.951, Ward No.37 under Mauza Chota Bariyarpur P.S. Chhatauni, Nagar Parishad + Circle Office + Registry Office Motihari, District-East Champaran on the letter of Intent dated 5.9.2019 issued by Bharat Petroleum Corporation Limited where on the letter No.1532 dated 28.11. 2019 Incharge Officer District General Section, East Champaran at Motihari written to Sub-Divisional Officer, Sadar, East Champaran and call for enquiry report with No Objection Certificate on eleven point



as mention in the letter. Thereafter all concerned Officer/Department have submitted/granted No Objection Certificates while the District Magistrate, East Champaran is not granting No Objection Certificate for opening Retail Outlet of Bharat Petroleum Corporation Ltd.

(ii) To grant any other relief/reliefs, order/orders for which the petitioner is entitle under law as well as on fact.

It is not in dispute that the subject matter of the land is embroiled in litigation and an appeal is pending adjudication before the Court having competent jurisdiction. Petitioner claims to be owner of land in relation to which “No Objection Certificate” is sought, on the strength of the judgement and decree dated 25.08.2021, passed by learned Civil Judge (SD)-IX (I/c), Motihari in Title Suit No. 521 of 2011.

However, the correctness of the said judgment and



decree is subject matter of the appeal preferred by the State.
There is no clear and undisputed title with respect to the land in question.

In this view of the matter, petitioner’s request for issuance of “No Objection Certificate” by the District Magistrate, East Champaran cannot be allowed.

As such, the present petition stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	22.08.2022
Transmission Date	

