

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6827 of 2015

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1. Hari Narayan Yadav, Son of Late Genai Yadav, Resident of Village- Belahi. Post Office- Belahi, Police Station- Ladaniya, District- Madhubani.
 2. Bharat Prasad Sahu, Son of Late Mathura Prasad Sahu, Resident of Village- Achalpur Piprahi, Tole- Jhalaun, Police Station- Ladnaiya, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District- Magistrate, Madhubani.
3. The Indian Oil Corporation Limited through Respondent No. 4.
4. The General Manager, Indian Oil Corporation Limited. Lok Nayak Jai Prakash Bhawan 5th floor Dak Bunglow Chowk, Bihar, Patna
5. The Senior Divisional Retail Sales Manager, Divisional Officer Indian Oil Corporation Limited, Muzaffarpur.
6. Kamini Devi, Wife of Late R. S. Pandey, Resident of Village – Gosaitoli, P.S. and P.O. - Rajnagar, District Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prabhas Ranjan, Advocate
For the Respondent/s : Mr.Ritesh Kumar, SC33

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL JUDGMENT

Date : 30-08-2023

I.A. No. 01 of 2023

This interlocutory application has been filed for adding the intervenor as party respondent in the present writ petition.

2. For the reasons stated in the interlocutory application, the same is, accordingly, allowed.

C.W.J.C. No. 6827 of 2015

Heard the learned counsels for the parties.



3. The present writ petition is filed for the following relief(s):-

“A. A certiorari for setting-aside the order/Letter No. 238 dated 7.2.2015 (Annexure 4) passed by the District- Magistrate, Madhubani whereby no objection Certificate has been issued with respect to land Situate in Village-Piprahi in the District of Madhubani over Khata No. 431 (Old) Plot No. 771(Old) for Retrial out let dealership.

B. A Certiorary for setting-aside the order dated 1.4.2015 (Annexure-5) whereby complaint filed by the Petitioner for illegal Proposed retail outlet dealerships with respect to lands in question has been rejected by the General Manager, Indian Oil Corporation Limited(respondent No. 3).

C. A Mandamus Commanding the Respondents to restrain them from making any construction over the lands in question,

D. Any other relief or reliefs for which Petitioners may be found entitled to in the fact and Circumstances of the Present case may be granted to them.

4. Learned counsel appearing on behalf of the petitioner states that the authorities concerned have issued “No Objection Certificate” to the private respondent on the land belonging to the petitioner in spite of the objections filed by the petitioner the same were not considered by the authority.



Learned counsel has sought the permission of the Court to allow the petitioner to make representation to the District Magistrate, Madhubani and the District Magistrate, Madhubani may be directed to pass necessary orders on such representation.

5. Learned counsel appearing on behalf of the respondents has vehemently opposed the prayer made by the petitioner and stated that the petitioner has already approached the Civil Court by filing a Suit for declaration of his title and neither the District Magistrate nor the Corporation have any jurisdiction to decide the disputed questions of title between the parties. The petitioner having approached the Civil Court has to await the result of the suit filed by him and cannot be permitted to approach the officials by making all kinds of frivolous representation and therefore, prays for dismissal of the present writ petition.

6. Having regard to the above made submissions and also the facts that the petitioner has already approached the Civil Court for declaration of his title, this Court cannot entertain the present writ petition for grant of the prayer sought for by the petitioner. It is well settled law that the quasi Judicial Officers do not have the jurisdictional power to go into disputed questions of title between varying parties and it is only the



competent Civil Court which can go into the disputed questions of fact and declare the title of the parties. Moreover, as pointed out by the learned counsel for the respondents, the petitioner has already approached the Civil Court for declaration of his title. In case, the suit filed by the petitioner is decreed then only the petitioner will have a right to approach the authorities concerned. Therefore, this Court does not find any merit in the present writ petition which warrants any interference for granting the relief sought.

7. The writ petition is accordingly dismissed. However leaving it open to the petitioner to approach the authority only after the Civil Suit is decreed in his favour.

(A. Abhishek Reddy , J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
Uploading Date	01.09.2023
Transmission Date	

