

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2554 of 2018

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Rajiv Kumar Agrawal Son of Late Babu Arvind Kumar Agrawal, Resident of Mohalla- Mungeriganj, Police Station- Begusarai Town, P.O.- Anchal, Sub-Division, Sub-Registry and District- Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors.
2. Begusarai Municipal Corporation Commissioner, Begusarai.
3. The Commissioner, Begusarai.
4. The Additional Commissioner, Begusarai.
5. The Executive Engineer, Bhavan Pramandal, Opposite Veer Kunwar Park, Begusarai.
6. Abha Rani, Wife of Late Rabindra Narain Agrawal, Mungeriganj, Police Station- Nagar Thana, Begusarai.
7. Mridula Mansinghkaa, Wife of Bharat Mansinghka, Pusa Niwas, Sabun Marg, Police Station- Bhilwara, District- Rajasthan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Ranjan, Advocate
For the Respondent/s	:	Mr. Ranjay Kumar Singh, AC to SC-6
		Mr. Pushkar Narain Shah, Sr. Advocate
		Mr. Anshuman Singh, Advocate
		Mr. Ravi Bhusan Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

8 24-01-2023 Heard Mr. Sanjeev Ranjan, learned counsel appearing on behalf of the petitioner and Mr. Ranjay Kumar Singh, learned AC to SC-6 for the State.

2. Mr. Sanjeev Ranjan, learned counsel appearing on behalf of the petitioner submitted that the Executive Engineer has submitted the Inquiry Report, but no action has been taken by the District Magistrate. He further submitted that such report



only relates to measurement of land verification and on that basis petitioner or any party shall not be affected.

3. It has been submitted on behalf of the respondents that the Municipal Authority and the State are free to take appropriate steps after giving them opportunity of hearing in accordance with law.

4. Heard the parties.

5. Neither the petitioner nor the respondent no. 7 has been able to show the basis on which they claim their right over the plots in question, which as per the respondent-State, has been found to be in a dilapidated condition. Such a disputed question of fact cannot be decided in a writ jurisdiction.

6. If either of the parties are aggrieved by the report dated 27.02.2018, which is annexed as Annexure R5 to the counter affidavit filed on behalf of the respondent no. 5, they may challenge the same before appropriate forum.

7. The District Magistrate, Begusarai is directed to issue notice to all the persons including the petitioner and the other family members, who are claiming right over the holding no. 552 and 553, to produce original document to establish their individual title over the said two holdings.

8. The District Magistrate, Begusarai, after giving



proper opportunity of hearing to the respective parties, shall pass appropriate order in accordance with law.

9. Till the matter is finally adjudicated by the District Magistrate, Begusarai, the parties who are dwelling in the premises in question relating to holding no. 552 and 553 shall not be disturbed in any manner.

10. The writ petition is, accordingly, disposed of.

(Purnendu Singh, J)

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