

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14016 of 2019

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1. Balram Yadav S/o Shri Bhogi Lal Yadav Resident of Village Palar, PO Kulharia, P.S. Andhratharhi, Dist. Madhubani, Bihar
 2. Om Prakash S/o Bhola Sahu Resident of Quarter No.D/2, Doordarshan Colony, Sikanderpur, Muzaffarpur-842001

... .. Petitioner/s

Versus

1. Darbhanga Municipal Corporation Darbhanga (DMCD), (erstwhile Darbhanga Regional Development Authority, Darbhanga, now merged in DMC, D), through its Municipal Commissioner at Mirzapur, Lal Bagh Darbhanga-846004
2. Municipal Commissioner, Darbhanga Municipal Corporation, Previously known as Darbhanga Regional Development Authority at Mirzapur, Lal Bagh, Darbhanga-846004.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Advocate
For the Respondent/s : Mr. Bindhyachal Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 19-07-2023 Heard the parties.

The present writ petition has been preferred for the following reliefs:-

(i) for issuance of appropriate writ(s)/ order(s)/ direction(s) to the respondent to ensure the execution and registration of sale/title deed of the land allotted vide letter no. 583 dated 14.03.1997 and vide letter no. 625 dated 14.03.1997 in favor petitioner No.1 and 2 respectively, as the entire consideration money has already been realized from the petitioners, by the respondent- erstwhile DRDA, now merged in



respondent Municipal corporation, Darbhanga.

(ii) for issuance of appropriate writ(s)/ order(s)/ direction(s) to award compensation for the damages and losses incurred by the Petitioners due to the delay in completion of the process of making the sale of land absolute.

Learned Counsel for the petitioner submits that he deposited the entire amount in 1997 but till date, he was not given possession and as per the reply provided under the Right to Information Report (dated 16.01.2012) in view of the fact that the existence of Darbhanga Regional Development Authority came to an end on 01.02.2007 and now the Darbhanga Municipal Corporation, Darbhanga is functioning, the case of the petitioner was put in abeyance.

A counter affidavit has been filed on behalf of the Municipal Corporation and the learned Counsel submits that there has been delay on the part of petitioner and in similar situate matter in CWJC No. 11680 of 2015, a co-ordinate bench chose not to interfere.

To this, learned Counsel appearing for the petitioner submits that an appeal has been preferred by the said petitioner vide LPA No. 411 of 2019 which is presently pending before the Appellate Court.



In the present case, the Darbhanga Municipal Corporation (erstwhile Darbhanga Regional Development Authority) having accepted the entire amount in 1997 is duty bound to consider and take decision in the matter.

Accordingly, the writ application is disposed of with the direction to prefer a comprehensive representation before the Municipal Commissioner, Darbhanga Municipal Corporation within four weeks from today.

If such representation is preferred before the Darbhanga Municipal Corporation, the Municipal Commissioner shall pass a reasoned order under his own signature within three months thereafter.

The writ petitions stands disposed of with the aforesaid observations.

(Rajiv Roy, J)

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