

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 769 of 2023

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Ramesh Chandra Agrawal @ Ramesh Chand Agrawal Son of Ram Narayan Chand Resident of Purnea Market, Bhathha Bazar, P.S. K. Hat, District-Purnea, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Urban Department and Housing Government of Bihar, Patna, Bihar.
2. The Purnea Municipal Corporation, Purnea, Bihar through its Municipal Commisioner
3. The Municipal Commisioner, Purnea Municipal Corporation, Purnea, Bihar.
4. The District Magistrate, Purnea, Bihar
5. The In-Charge of Building Maps, Purnea Municipal Corporation, Purnea, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. V. Chaubey, Sr. Advocate
	:	Mr. Prashant Kumar, Advocate
	:	Mr. Abmuj Nayan Chaubey, Advocate
For the Respondent/s	:	Mr. Kinkar Kumar (Sc9)
For the PMC	:	Mr. Pushkar Narayan Shahi, Sr. Advocate
	:	Mr. Bijendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-04-2023 Heard learned Sr. counsel for the petitioner, learned counsel for the State Mr. Kinkar Kumar and learned counsel for the Purnea Municipal Corporation Mr. Pushkar Narayan Shahi assisted by Mr. Bijendra Kumar Singh.

The learned Senior counsel for the petitioner at the outset submits that the present writ application be also disposed in the same terms as CWJC No. 17808 of 2022. The learned Senior counsel next submits that the petitioner is the



owner of the premises in question, it is also submitted that no fresh construction was carried out within the premises. It is next submitted that petitioner has also preferred an appeal before the learned Municipal Tribunal being Appeal No. 22 (N) of 2023 against the order passed by the Municipal Commissioner, Purnea Municipal Corporation, contained in Memo No. 2676 dated 05.11.2022 in Vigilance Case No. 9 of 2022-23.

The learned Senior counsel next submits that earlier also the petitioner had moved before this Court by filing CWJC No. 14005 of 2002. It is submitted that CWJC No. 14005 of 2002 was filed before this Court challenging the order of the Collector by which the petitioner was directed to get his Khasmahal land renewed. It is submitted that the land in question is not a Khasmahal land rather is a settlement made by three sale deeds executed in the year 1907 by an Englishman. It is next submitted that CWJC No. 14005 of 2002 was disposed of by an order dated 03.05.2010 with a direction to the State that in the event, if the State intends to evict the petitioner from the premises in question which is subject matter of dispute in the present case also, then an eviction suit is to be filed.



The learned Senior counsel next submits that the State has already filed an eviction suit for evicting the petitioner from the premises in question and the petitioner is contesting the same. The learned Senior counsel next submits that in the event, if the petitioner loses in the eviction suit the premises in question will automatically revert back to the State of Bihar.

Learned Senior counsel for the petitioner at the cost of repetition reiterate that the writ application be disposed of in terms of order dated 25.04.2023 in CWJC No. 17808 of 2022.

At this stage, the learned counsel for the petitioner submits that since the Municipal Tribunal was not functional, as such, the petitioner had to move before this Court seeking the relief but now since the Tribunal has become functional, as such, appeal has been filed but then the appeal has been filed beyond the period of the limitation.

The Court expects that the learned Municipal Tribunal will keep in mind the fact that petitioner was before this Court availing his remedy from 16.12.2022 till date.

Learned Senior counsel appearing for the Purnea Municipal Corporation does not object to the prayer made by



the learned Senior counsel for the petitioner.

After hearing the learned counsel for the parties the writ application is disposed of in terms of order dated 25.04.2023 in CWCJ No. 17808 of 2022.

(Satyavrat Verma, J)

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