

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.496 of 2022

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Dinesh Kumar Gupta Son of Late Kunwar Sah Residence of Mohalla- Bela Garden, P.S.- LNMU, P.O.- Lalbagh, Town and District- Darbhanga, Pin- 846004. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The District Magistrate, Darbhanga.
3. The Municipal Commissioner, Darbhanga Municipal Corporation, Darbhanga.
4. The Vice-Chairman of Darbhanga Regional Development Authority (Dissolved).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shambhu Nath, Adv.
For the Respondent/s	:	Mr.Abbas Haider (SC6)
For DMC	:	Mr. Bindhyachal Rai, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 30-09-2024 Heard the parties.

2. The writ petition has been filed for the following

reliefs:-

“That this writ application is being filed to direct the respondents to execute sale deed in favour of petitioner and transfer/hand over possession of Plot No. 23, Type-A, situated at Vaidehi Nagar Residential Colony, Darbhanga.”

3. Learned counsel for the petitioner has taken this Court to letter no. 613 dated 06.12.2006 (Annexure-1) to show that the then Darbhanga Regional Development Authority (which now stands merged with Darbhanga Municipal Corporation) had issued a letter under the signature of Vice Chairman which shows that the payments were made.

4. Learned counsel appearing for Darbhanga



Municipal Corporation, on the other hand, submits that there is nothing on record as to what steps petitioner took thereafter inasmuch as the representation of the petitioner would show that he woke up from the deep slumber only in the year 2020.

5. At this stage, learned counsel for the petitioner has drawn attention of this Court to an order of learned Single Judge in the case of **Biresh Kumar Sinha v. State of Bihar & Ors (CWJC No. 11680/2015)** in which, aggrieved by the said order, the appellant preferred appeal in **LPA No. 411 of 2015 (Biresh Kumar Sinha v. State of Bihar & Ors)** and the Division Bench *vide* an order dated 07.11.2023 held as follows:-

“6. We find considerable force in the finding of the learned Single Judge that from the year 2006 to the year 2014, the appellant did not take any steps to ventilate his grievance. The appellant let the matter rest after the order was issued in the year 2006 and probably as an after thought and/or advise received, filed the petition, long after, in the year 2015. The delay is considerable and the allotment had been made in the year 1997 and the entire amounts were not paid up in time. Even now, the Corporation has offered to grant the allotment if the rates as prescribed today are paid.

7. If the appellant is desirous of the allotment, the appellant shall approach the Authority with a representation within two weeks from the date of disposal of writ petition and the Authority shall within two weeks thereafter communicate the amounts (as per



the present MVR) that has to be deposited, also specifying the period in which such deposit has to be made. In directing such deposit to be made, the Authority shall also reckon the amounts already paid, though with delay. If thus the amounts now demanded is paid, definitely the allotment shall be made of the plot if it is still available for allotment.

8. With the above reservation & observation, the appeal stands dismissed.

6. In that background, he submits that the petitioner will be approaching the Respondent no.3-the Municipal Commissioner, Darbhanga Municipal Corporation, in the light of the said observation of the Division Bench.

7. Learned counsel appearing for Darbhanga Municipal Corporation submits that in case he appears, the same shall be considered and appropriate will be passed.

8. If the petitioner approaches the Respondent no.3-the Municipal Commissioner, Darbhanga Municipal Corporation in next four weeks, he shall take up the matter and pass a reasoned order preferably within three months thereafter.

9. The writ petition stands disposed of.

(Rajiv Roy, J)

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