

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1693 of 2024

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Rajesh Raushan Son of Late Bharat Chaudhary Resident of House No. A-79,
Kankarbagh Housing Colony, Post-Lphia Nagar, Police Station-Kankarbagh,
Patna-800020.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban and Housing Development, Government of Bihar, Patna.
2. The Additional Secretary, Bihar State Housing Board, Government of Bihar, Patna.
3. The Managing Director, Bihar State Housing Board, 6.Sardar Patel Marg, Patna.
4. The Manager Estate Cum-Additional Secretary, Bihar State Housing Board, Patna.
5. The Executive Engineer, Bihar State Housing Board, Patna.
6. The Patna Municipal Corporation through its Municipal Commissioner, Patna.
7. The Executive Engineer, Kankarbagh Division, Patna Municipal Corporation, Patna.
8. The Assistant Engineer, Kankarbagh Division, Patna Municipal Corporation, Patna.
9. The Chief Town Engineer, Patna Municipal Corporation, Patna.
10. Mr. Sushil Kumar Resident of House No. A/150, Kankarbagh Housing Colony, Post-Lohia Nagar Police Station-Kankarbagh, Patna-800020.
11. Mr. Kishore Kumar Banka Son of Late Madan Lal Banka Resident of Plot No. U/469, Lohia Nagar, Kankarbagh, Patna-800020.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ambuj Nayan Chaubey, Advocate Mr.Sanjay Kumar Singh, Advocate
For the Respondent/s	:	Government Pleader (23)
For the P.M.C.	:	Mr. Prasoon Sinha, Advocate
For the B.S.H.B.	:	Mr. Pawan Kumar, Advocate Ms. Pratibha, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 27-08-2024 The present writ petition has been filed
seeking the following reliefs:-



“1. (i) Issuance of an order, direction or writ in the nature of Certiorari quashing the order dated 15.05.2023 passed in Appeal No. 01/2023 whereby and whereunder the Municipal Commissioner, Patna has passed an ex-parte order cancelling the decision taken for conversion of lease hold land to free hold land, by the Housing Board and has also directed for cancelling the free hold deed of the vendor of the petitioner.

(ii) Issuance of an order, direction or writ in the nature of Certiorari quashing the order dated 15.05.2023 passed in Appeal No. 01/2023 whereby and whereunder the Municipal Commissioner, Patna has cancelled the mutation of the petitioner passed in Mutation Case No. 295/8A/2020-21.

(iii) Issuance of an order, direction or writ in the nature of Mandamus directing the respondent authorities not to disturb the possession of the petitioner, who is bonafide purchaser of the land in question after getting loan from the Bank



and paying EMIs regularly to the Bank.”

2. At the outset, the learned counsel appearing for the Patna Municipal Corporation, Patna has pointed out that as per the provisions contained under Section 143 of the Bihar Municipal Act, 2007, an appeal would lie before the concerned District Judge against the order passed by the Municipal Commissioner, Patna Municipal Corporation, Patna, hence the petitioner should challenge the order dated 15.05.2023, by filing appropriate appeal before the learned District Judge, Patna.

3. In view of the aforesaid, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the aforesaid order dated 15.05.2023, by filing appropriate appeal under Section 143 of the Bihar Municipal Act, 2007, before the learned District Judge, Patna. Liberty, so sought, is granted.

4. It is needless to state that while considering the issue of limitation, the learned District Judge, Patna shall sympathetically consider



excluding the period spent by the petitioner in pursuing the present writ petition, before this Court, though being ill-advised.

5. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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