

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 2915 of 2024

Md. Mikail Ansari Son of Md. Israil, Resident of Mohalla- Bahadurganj,
(Maharajganj Pokhra), P.S. Laheriasarai, Dist. - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner, Darbhanga.
2. The Collector, Darbhanga.
3. The Municipal Commissioner, Darbhanga Nagar Nigam, Darbhanga.
4. The Chief Executive Officer, Darbhanga Nagar Nigam, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Saurav Anand, Advocate
For the Respondent/s	:	Mr. Government Advocate (3)
For the DMC	:	Mr. Bindhyachal Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-07-2024 Heard the parties.

2. The present petition has been preferred for issuance of writ in the nature of Mandamus commanding the respondent authorities to transfer the shop no. 4 situated at B.K. Road, side Land which was allotted to the father of the petitioner on 01.4.1992 in terms of an agreement wherein the constructions were made by the father of the petitioner as per the guidelines of the Nagar Nigam and during his life time on 17.6.2015 the petitioner made an application for transfer in his name but the same has not been considered as yet and further for any other appropriate writ, writs order/ orders direction/directions for which the petitioner is entitled to in the



facts and circumstances of the case.

3. The petitioner has come with a limited prayer. Earlier the shop was allotted to his father and after his death on 15.05.2000 (as per the death certificated attached as annexure-2), he continued on the shop and the receipt shows that he paid rent till the year 2022. He submits that he wanted the same to be transferred in his name but having failed to do so, the writ petition.

4. Learned counsel appearing on behalf of the Darbhanga Municipal Corporation, on the other hand, submits that it was found that the petitioner later let out the shop and in that background, steps were taken to get it back for allotting it to some other person.

5. Learned counsel for the petitioner disputes the same and submits that he is ready for enquiry and if it is found otherwise inasmuch as if they come to the conclusion that it is actually in possession of the petitioner, necessary steps may be taken for transferring the name from that of his late father to him.

6. Learned counsel appearing on behalf of the Darbhanga Municipal Corporation has no objection to the said enquiry.



7. In that background, the writ petition stands disposed of with observation that the petitioner shall be providing all the documents alongwith his fresh petition before the Municipal Commissioner, Darbhanga Municipal Corporation (respondent no. 3) in next four weeks who shall get the matter enquired into and pass an appropriate order in next four months in accordance with law after hearing all the parties.

(Rajiv Roy, J)

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