

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5508 of 2024

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Rajan Kumar S/o Late Awadeshwar Prasad Singh Resident of C/O Late Mithileshwar Prasad Sinha, 103/A, West Boring Canal Road, Opp. Layak Bhawan P.S. Buddha Colony, Patna (Bihar) -

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Urban Development Department, Govt. Of Bihar, Patna.
2. The Municipal Commissioner, Patna Municipal Corporation, Mourya lok, Patna
3. The Executive Officer, Patliputra Circle, Patna Municipal Corporation, Patna.
4. The Revenue Officer, Patliputra Circle, Patna Municipal Corporation, Patna.
5. Rajesh Pd. Singh Son of Late Awadheshwar Prasad Singh Resided at 103/A West Boring Canal Road, Police Station - Budha Colony, District - Patna.
6. Kamal Narayan Pd. Singh Son of Mithileshwar Pd. Sinha Resided at 103/A West Boring Canal Road, Police Station - Budha Colony, District - Patna.
7. Most. Shobha Devi Wife of Baidnath Pd. Singh Resided at 103/A West Boring Canal Road, Police Station - Budha Colony, District - Patna.
8. Vinayak Awadhesh Son of Late Awadheshwar Prasad Singh Resided at 103/A West Boring Canal Road, Police Station - Budha Colony, District - Patna.
9. Dilip Narayan Singh Son of Late Baidnath Pd. Singh Resided at 103/A West Boring Canal Road, Police Station - Budha Colony, District - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Satish Kumar, Advocate
For the State	:	Mr. Anirban Kundu, SC-24
For the PMC	:	Mr. Sanjay Prakash Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 03-09-2024

Heard the parties.

2. The present writ petition has been been preferred for the grant of following reliefs:-

“That this writ application is being filed for issuance of a writ of appropriate nature order



or direction commanding the respondents specially respondent no. 2 and 3 to revise and reissue the demand notice dated 06.02.2024 and receipt dated 06.02.2024 and after deleting the names of Shishir Sinha and others and Babu Ravinandan Prasad Singh who have been misplaced in the demand notice and rent receipt after payment of Rs. 2,99,024.00 by the petitioner vide cheque No. 586236 dated 06.02.2024 of State Bank of India issued by the petitioner. Petitioner also prays that for mutating the names of legal heirs of Late Mithileshwar Prasad Sinha whose name, the holding in question being holding no. 521/103A exist and after his death only his legal heirs as petitioner and respondent no. 5 to 9 have insert the property and are in possession of the same.”

3. A counter affidavit has been filed on behalf of the Patna Municipal Corporation and it has been brought on record that a title suit preferred by one of the respondent no.5 Rajesh Prasad Singh in which Kamal Narayan Prasad Singh and family members including the Rajan Kumar (petitioner) are defendants. It is to be noted that both belong to the same family.



4. Learned counsel for the petitioner submits that Awadheshwar Prasad Singh was blessed with three sons namely Kamal Narayan Prasad Singh, Late Baidnath Prasad Singh and Late Awadheshwar Prasad Singh. The land in question was owned by his grandfather, Late Mithileshwar Prasad Sinha. A perusal of the counter affidavit of the Patna Municipal Corporation, Patna would show that the defendants themselves (petitioner is one of the defendants in the said suit) filed their written statement incorporating the fact that the mother and sister have not been impleaded as defendants and as such the said Title Partition Suit No.08 of 2018 pending before the Learned Sub Judge V, Patna is fit to be dismissed.

5. However, on perusal of the respondent's list, the name of sister is missing. The petitioner on the one hand requests the Title Court to dismiss the suit amongst the other on the ground that the sister has not been impleaded as defendant, here, in the writ petition, he has chosen not to implead her as party respondent.

6. Faced with such situation, learned counsel for the petitioner submits that he will be appearing before the



Patna Municipal Corporation, Patna to satisfy it for getting an appropriate order.

7. Learned counsel appearing on behalf of the Patna Municipal Corporation submits that no order has been passed till date and once he appears, all the concerned parties will be heard whereafter an appropriate order shall be passed.

8. In that background, without making any comment on the merit of the case, granting liberty, the writ petition stands disposed of.

(Rajiv Roy, J)

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