

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.302 of 2019

In
Letters Patent Appeal No.1918 of 2015

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Asha Devi, W/o Jitendra Singh @ Nepali Singh, Resident of Mohalla-
Gardanibagh, Chatterjee Lane, Road No. 6/D, P.S.- Gardanibagh, District-
Patna.

... .. Petitioner

Versus

1. The Patna Municipal Corporation, Patna through its Municipal Commissioner. Having their office at Maurya Lok, Dak Bungalow Road, P.S.- Kotwali, Town and District Patna.
2. The Municipal Commissioner, Patna Municipal Corporation, Patna. Having their office at Maurya Lok, Dak Bungalow Road, P.S.- Kotwali, Town and District Patna.
3. The Vigilance Officer, Patna Municipal Corporation, Patna. Having their office at Maurya Lok, Dak Bungalow Road, P.S.- Kotwali, Town and District Patna.
4. The Executive Engineer, New Capital Circle (South), Patna Municipal Corporation, Patna, having their office at Maurya Lok, Dak Bungalow Road, P.S.- Kotwali, Town and District Patna.
5. Rakesh Kumar Ranjan, Son of not known to the petitioner, resident of Hospital Road, Buddha Nagar Colony, Madhubani (Bihar).
6. Kumar Ravindra Singh, S/o Late Radha Prasad Singh, R/o Mohalla-Sadhnepuri, P.S.- Gardanibagh, Town and District- Patna.
7. Nepali Singh @ Jitendra Singh, S/o Late Chandrika Singh, resident of Mohalla- Gardanibagh, Road No. 6/D, Chatterjee Lane, Sadhanapuri, P.S.- Gardanibagh, District- Patna.

... .. Opposite Party/s

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with

Civil Writ Jurisdiction Case No. 5722 of 2016

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Jitendra Singh @ Nepali Singh S/o Sri Chandrika Singh R/o Mohalla -
Sadhnepuri behind village Dhakanpura, Mrityunjay Chaterjee Lane, P.S.
Gardanibagh, Patna, District - Patna

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Revenue and Land Reforms, Government of Bihar
3. The Commissioner, Patna Division, Patna
4. The Collector, Patna
5. The Deputy Collector, Land Reforms, Patna Sadar, Patna



6. The Circle officer, Patna Sadar, Patna
7. Kumar Ravindra Singh S/o Late Radha Prasad Singh R/o Mohalla - Sadhnapuri behind village Dhakanpura, Mrityunjay Chaterjee Lane, P.S. Gardanibagh, Patna, District - Patna

... .. Respondent/s

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with
Miscellaneous Jurisdiction Case No. 1401 of 2017
In
Civil Writ Jurisdiction Case No.4723 of 2016
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Kumar Ravindra Singh son of late Radha Prasad Singh Resident of Mohalla -Gardanibagh, Road No. 6/D Chaterji Lane Sadhanapuri, PS - Gardanibagh, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Secretary Sri Chaitnya Pd. Urban Development, Govt. Of Bihar, Patna
2. Abhishekh Singh Commissioner, Patna Municipal Corporation, Patna.

... .. Opposite Party/s

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with
CIVIL REVIEW No. 476 of 2018
In
Civil Writ Jurisdiction Case No.4723 of 2016
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Jitendra Singh @ Nepali Singh S/o Late Chandrika Singh Resident of Mohalla-Gardanibagh, Chatterjee Lane, Road No. 6/D, P.S.-Gardanibagh, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development, Government of Bihar, Patna.
2. The Commissioner, Municipal Corporation, Patna.
3. The Divisional Commissioner, Patna Division, Patna.
4. The Land Reforms, deputy Collector, Patna Sadar, Patna.
5. The District Collector, Patna.
6. The Sub-Divisional Officer, Patna Sadar, Patna.
7. Kumar Ravindra Singh S/o Late Radha Prasad Singh Resident of Mohalla-Gardanibagh Road No. 6/D, Chatterji Lane, Sadhanapuri, P.S.-Gardanibagh, District-Patna.

... .. Opposite Party/s



with
Civil Writ Jurisdiction Case No. 21002 of 2018

Asha Devi S/o Late Chankrika Singh, Resident of Mohallas - Gardanibagh,
Chatterjee Lane, Raod no. 6/D, P.S. - Gardanibagh, Ditt. - Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Urban Development and Housing Department, Bihar, Patna.
2. The Principal Secretary, urban Development and Housing Department, Government of Bihar, Patna.
3. The Municipal Commissioner, Patna Municipal Corporation, Patna.
4. The Chairman, Municipal Building Tribunal, Patna Division, Patna.
5. The Vigilance officer, Patna Municipal Corporation, Patna.
6. Kumar Ravindra Singh, S/o Late Radha Prasad Singh, Resident of Mohalla - Gardanibagh, Road No. 6D, Chatterji Lane, Sadhanapuri, P.S.-Gardanibagh, District-Patna.
7. Jitendra Singh @ Nepali Singh, S/o Late Chandrika Singh, Resident of Mohalla - Gardanibagh Road No. 6/D, Chatterji Lane, Sadhanapuri, P.S.-Gardanibagh, District-Patna.

... .. Respondent/s

Appearance :

(In CIVIL REVIEW No. 302 of 2019)

For the Petitioner/s : Mr.Pawan Kumar Singh, Advocate

For the Opposite Party/s : Mr.Prasoon Sinha, Advocate

(In Civil Writ Jurisdiction Case No. 5722 of 2016)

For the Petitioner/s : Mr. J.K. Sharma, Advocate

For the Respondent/s : Mr.Kunal Tiwary, AC to GA-2

Mr. Prasoon Sinha, Advocate

(In Miscellaneous Jurisdiction Case No. 1401 of 2017)

For the Petitioner/s : Mr.Arun Kumar Bhagat

For the Opposite Party/s : Mr.Yogendra Prasad Sinha - Aag7

(In CIVIL REVIEW No. 476 of 2018)

For the Petitioner/s : Mr. Prashant Kashyap

For the Opposite Party/s : Mr. Yogendra Pd. Sinha Aag 7

(In Civil Writ Jurisdiction Case No. 21002 of 2018)

For the Petitioner/s : Mr. J.K. Sharma, Advocate

For the Respondent/s : Mr. Abbas Haider- SC-6

Mr. Prasoon Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 22-04-2024



On 08.04.2024, in Civil Review No. 302 of 2019, arising out of L.P.A. No. 1918 of 2015 and connected litigations namely C.W.J.C. No. 5722 of 2016, M.J.C. No. 1401 of 2017 arising out of C.W.J.C. No. 4723 of 2016, Civil Review No. 476 of 2018 arising out of C.W.J.C. No. 4723 of 2016 and C.W.J.C. No. 21002 of 2018, the following order was passed:-

Learned counsel for the Patna Municipal Corporation, Mr. Prasoon Sinha, is hereby directed to ascertain from the records whether owner of the subject matter of premises has been notified in respect of violation of certain bye laws of the Municipal Corporation so as to proceed further in the matter.

Re-list this matter on 22.04.2024.

Respondents are hereby directed to maintain status quo in respect of subject matter of the premises in Building Vigilance Case No. 188-B of 2000.”

2. Today, learned counsel for the Patna Municipal Corporation, Patna, on instruction, submitted that Smt. Asha Devi was not heard in the matter. On the other hand at each and every stage of the matter her late husband – Jitendra Singh @ Nepali Singh has been heard in the matter. In all fairness respective Opposite Parties should have raised a preliminary issue stating that late Jitendra Singh has no *locus standi*. On the



other, as if, Asha Devi's husband was real owner of the subject land, the case was proceeded from the office of the Patna Municipal Corporation, Patna resultantly in consequential litigations were decided either of the side as if Asha Devi's husband - Jitendra Singh @ Nepali Singh was real owner. This was noticed only while filing Civil Review No. 302 of 2019 by Asha Devi and so also filing of C.W.J.C. No. 21002 of 2018.

3. Taking note of these facts and circumstances order passed in L.P.A. No. 1918 of 2015 dated 20.12.2016 stands recalled while allowing Civil Review No. 302 of 2019, L.P.A. No. 1918 of 2015 stands disposed off. Further, C.W.J.C. No. 21002 of 2018 filed by Asha Devi stands allowed. Consequentially, C.W.J.C. No. 5722 of 2016 filed by Jitendra Singh @ Nepali Singh and M.J.C. No. 1401 of 2017, arising out of C.W.J.C. No. 4723 of 2016, filed by Kumar Ravindra Singh and Civil Review No. 476 of 2018, arising out of C.W.J.C. No. 4723 of 2016 filed by Jitendra Singh @ Nepali Singh (deceased) stands disposed of as it has become infructuous.

4. In view of these factual aspects of the matter that subject matter of land stands in the name of Asha Devi, therefore, whatever the proceeding drawn by the Patna Municipal Corporation, Patna and other next higher authorities,



including orders of this Court, are set aside. Matter is remanded to the Patna Municipal Corporation, Patna for fresh adjudication. At each and every stage, the Patna Municipal Corporation, Patna / competent authority is hereby directed to pass a detailed show cause notice from time to time against such of those persons, whose rights are likely to be affected by virtue of any proposed order to be passed by the Patna Municipal Corporation, Patna. On receipt of explanation from the respective parties proceed to pass speaking and reasoned order after due consideration of the each of the contention to be raised by the respective parties & communicate to all those necessary parties. If any party is affected by fresh decision he/her is/are at liberty to challenge the action in accordance with law. The above exercise shall be completed within a period of six months from the date of receipt of this order.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.04.2024
Transmission Date	N.A

