

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12628 of 2024

Vijay Kumar Singh, Son of Late Kapileshwar Singh, Resident of village and P.O. Arout, P.S. Rosera, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The District Magistrate, Samastipur, District- Samastipur.
4. The District Panchayat Raj Officer, Samastipur, District- Samstipur.
5. The Block Development Officer, Rosera, District- Samastipur.
6. The Circle Officer, Rosera, District- Samastipur.
7. The Gram Panchayat Raj, Jahangirpur North, Block- Rosera, District- Samastipur through the Mukhiya.
8. The Panchayat Secretary, The Gram Panchayat Raj, Jahangirpur North, Block- Rosera, District- Samastipur.
9. The Secretary, Planning and Development Department, Government of Bihar, Patna.
10. The Executive Engineer, Local Area Engineering Organization, Works Division No.2, Rosera, District- Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Awnish Kumar, Advocate
For the State	:	Ms. Sweta Anand, AC to GP-13
For Resp No. 7	:	Mr. Chandra Mohan Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 27-08-2024

Heard Mr. Awnish Kumar, learned Advocate for the petitioner and Ms. Sweta Anand, learned Advocate for the State.

2. Mr. Chandra Mohan Jha, learned Advocate for respondent no.7, submits that he is in receipt of the *Vakalatnama* and the same shall be filed in course of the day.

3. The petitioner by invoking the prerogative writ



jurisdiction of this Court under Article 226 of the Constitution of India, seeks quashing of the “No Objection Certificate” issued by respondent no.6 vide letter no. 1964 dated 06.06.2023, whereby he has allowed the construction of Panchayat Sarkar Bhawan of Gram Panchayat Raj, Jahangirpur North over Plots no. 1230, 1241 and 1242 of Khata no. 2552. The petitioner also seeks quashing of the Notice Inviting Tender No. 04 (SBD)/2024-25 dated 03.07.2024, whereby the tender has been invited for construction of Panchayat Sarkar Bhawan of Gram Panchayat Raj, Jahangirpur North.

4. Learned Advocate for the petitioner vigorously contended that with respect to the land in question over which “No Objection Certificate” has been issued for construction of Panchayat Sarkar Bhawan, a title suit has already been filed by the petitioner and other co-sharers, which is registered as Title Suit No. 233 of 2023, wherein the State Government being the sole defendant has already entered its appearance. It is further contended that though on behalf of the petitioner and other plaintiffs of the case, a petition under Order 39 Rule 1 and 2 of the Code of Civil Procedure has been filed on 26.06.2024 but as the Presiding Officer of the Court was transferred and at present there is no Presiding Officer in the Court, no effective order has



been passed in favour of the petitioner. Under the aforesaid compelling circumstances, the petitioner approached before this Court. Notwithstanding there is dispute regarding the title of the aforesaid land and the matter is *sub judice* before Sub-Judge 1st, Rosera, respondent no.10 has also come out with impugned Notice Inviting Tender dated 03.07.2024.

5. At this juncture, learned Advocate for respondent no.7, submits at the Bar that the cadastral survey as well as the revisional survey clearly demonstrate that the land in question is in the name of Anabad Bihar Sarkar and the District Magistrate has already transferred the land in favour of the Gram Panchayat Raj, Jahangirpur North.

6. Be that as it may, considering the fact that the petitioner has been pursuing his remedy before the Civil Court of competent jurisdiction in Title Suit No. 233 of 2023 and there has already a petition under Order 39 Rule 1 and 2 of the Code of Civil Procedure, this Court directs the District Judge, Samastipur to transfer the matter before any of the appropriate Court, who shall consider the pending application of the petitioner and dispose of the same expeditiously.

7. During the interregnum period, any action taken by the respondent-State shall be subject to the interim/final



outcome of the order passed by the appropriate Court in Title
Suit No. 233 of 2023.

8. Let a copy of this order be sent to the learned
District Judge, Samastipur, forthwith.

9. The writ petition stands disposed of with the above
direction(s).

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29-08-2024
Transmission Date	

