

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13585 of 2024

Dr. Ashok Kumar, Son of Sri Laxuman Singh @ Lakshman Singh, Resident of Mohalla- Nayaka Gaon, Ward No. 31, Post Office and Police Station- Sasaram, District- Rohtas (Sasaram).

... .. Petitioner/s

Versus

1. The State of Bihar, through the Additional Chief Secretary Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The District Magistrate cum Collector, Rohtas at Sasaram.
3. The Additional Collector, Rohtas at Sasaram.
4. The Sub Divisional Officer, Sasaram, District Rohtas.
5. The Deputy Collector Land Reforms, Sasaram, District- Rohtas.
6. The Circle Officer, Sasaram, District Rohtas.
7. The Commissioner, Sasaram, Municipal Corporation, Sasaram, District- Rohtas at Sasaram.
8. The Chief Executive Officer, Municipal Corporation Sasaram, District Rohtas at Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Saobiya Mushtaque, Advocate
For the Resp-State	:	Mr. Sajid Salim Khan, SC-25
For Resp Nos. 7 and 8	:	Mr. Bajarangi Lal, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-09-2024 Heard Mr. Saobiya Mushtaque, learned counsel for the petitioner, Mr. Sajid Salim Khan, learned counsel for the State and Mr. Bajarangi Lal, learned counsel for respondent nos. 7 and 8.

2. The petitioner is aggrieved by the Tender Notice no. 19/2023-24, issued under the signature of Municipal Commissioner, Municipal Corporation Sasaram vide letter no. 5233 dated 23.12.2023, which relates to work allotment at serial



no.3 (Nagar Nigam Sasaram Antragat Trinetra Gufa Ke pass Sthith Talab Ke do Taraf Sidhi Nirman sloop protection and Pathway Nirman Karaya), which is said to be the property of the petitioner. The petitioner also sought a direction upon the respondents to stay the operation of Tender Notice No. 19/2023-24, so far it relates to work order at SI. no.3 till the disposal of representation dated 19.01.2024, filed by the petitioner before the District Magistrate, Rohtas at Sasaram, in the light of order dated 03.10.2023 passed in CWJC No. 7194 of 2023.

3. Bereft of unnecessary details, from the averments made in the writ petition, it appears that earlier the petitioner had approached before this Court by filing CWJC No. 7194 of 2023 for the following prayers:

“This writ application is filed for direction to the respondents not to interfere in the right, title and possession of petitioner's land appertaining to C.S. Khata No. 39, R.S. Khata No. 74, C.S. Plot No. 194, R.S. Plot No. 344, area 3 Bigha 8 Kattha, C.S. Plot No. 195, R.S. Plot No. 345, area 3 Bigha 8 Kattha, C.S. Khata No. 333, R.S. Khata No. 74. C.S. Plot No. 795, R.S. Plot No. 345 area 1 acre 14 decimal thana No. 139, Tauzi No. 5639, Khesra No. 1, Anchal Sasaram situated at Mohalla Nayaka Gaon, P.S. Sasaram, District-Rohtas since the civil court has passed judgment and degree in Title Suit



No. 349 of 2006 and Title Suit No. 507 of 2005 which has been affirmed in Title Appeal No. 94 of 2013 and Appeal No 95 of 2013 vide order and judgment dated 27.11.2014, passed by the Learned District Judgment Rohtas at Sasaram, with regard to land mentioned above in favour of the Petitioner and to direct the respondents to consider and dispose of the representation dated 07.02.2023, submitted by the petitioner and restrain themselves from taking forceful possession or allotment of the petitioner's land. And to grant any other relief or reliefs for which the petitioner is entitled under the facts and circumstances of the instant writ petition.”

4. The afore-noted matter was heard and disposed off vide order dated 31.10.2023 with a direction to the petitioner to file a representation before the District Magistrate, cum Collector Rohtas at Sasaram (respondent No. 2) along with all the relevant documents in support of the claim, within a period of six weeks from today and respondent no. 2 shall examine the claim of the petitioner and pass a reasoned and speaking order in accordance with law within a further period of three months.

5. Despite the aforesaid fact that the matter was pending before the District Magistrate, cum Collector Rohtas at Sasaram, the Municipal Corporation, Sasaram, came out with a



tender notice, which compelled the petitioner to approach before this Court.

6. Learned counsel for the Municipal Corporation drew the attention of this Court to the tender notice and submitted that notice in question was issued on 23.12.2023; the date of opening of technical bid was prescribed on 24.01.2024 and the period of work was to be completed within four months. Thus, in any view of the matter, the grievance of the petitioner with regard to the tender notice has become stale and infructuous.

7. On the other hand, learned counsel for the State submitted that various documents in support of the averments made in the writ petition have been brought on record, suggesting that the land in question, *prima facie* belongs to the petitioner and, as such, the same is required to be considered by the District Magistrate, cum Collector Rohtas at Sasaram, for which the petitioner has already made a representation in compliance with the order of this Court dated 31.10.2023 in CWJC No. 7194 of 2023.

8. Having heard the contentions advanced by the learned counsels for the respective parties and taking note of the fact that in compliance with the order of this Court dated



31.10.2023 in CWJC No. 7194 of 2023, the petitioner has already filed a detailed representation bringing on record all the facts and, as such, in any view of the matter, the same is required to be disposed off, specially in terms of the order of this Court, in accordance with law.

9. Suffice it to say that there was a direction to dispose of the representation of the petitioner within a period of three months but the same has not been done, is the contention of the learned counsel for the petitioner, in such circumstances, this Court expects that pending representation of the petitioner shall be disposed off expeditiously, in any circumstances, preferably within a period of eight weeks from today. Any inaction on the part of the District Magistrate, cum Collector Rohtas at Sasaram shall be treated in defiance of the order of this Court.

10. The writ petition stands disposed off.

(Harish Kumar, J)

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