

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4625 of 2018

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Afjali Khatoon @ Afzali Khatoon wife of Late Gholam Yehya, Resident of
Mohalla- Marofganj, Police Station- Civil Lines, District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Municipal Commissioner, Gaya Municipal Corporation, Gaya.
3. Yasmin, wife of Mahfuz Alam and daughter of Late Md. Shahabuddin
Malim, Resident of Mohalla- Marofganj, Police Station- Civil Lines,
District- Gaya.
4. Md. Zakaria, son of Late Gholam Rabbani, Resident of Mohalla- Marofganj,
Police Station- Civil Lines, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sameer Kumar, Advocate
For the Respondent/s : Mr. Abbas Haider- Sc6

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-09-2025 Heard Mr. Sameer Kumar, learned counsel for the

petitioner as also learned counsel representing the Gaya

Municipal Corporation.

2. The present writ petition has been preferred for the

following relief(s):

*(a) For issuance of a writ, order,
direction for quashing the order dated
24.03.2017 passed by the Municipal
Commissioner, Municipal Corporation Gaya in
Disputed Mutation Case No.67 of 2016 whereby
the Municipal Commissioner, Gaya Municipal
Corporation has dismissed the objection of the
petitioner and has directed for recording the
name Respondent No.3 in municipal record of
Gaya Municipal Corporation despite Title Suit*



No.155 of 2016 pending in the Court of Sub-Judge 1, Gaya with respect to the building for which objection was filed by the petitioner.

(b) For grant of any other relief or reliefs to which the Petitioner is found entitled to in the facts and circumstances of the case.

3. In paragraph no. 7 of the counter affidavit on behalf of the respondent no.2, it has been recorded as under:

That it is further submitted that if the petitioner is aggrieved the remedy is already available in the law as section 143 of the Bihar Municipal Act, 2007 the provision is there for filing of appeal in such matter before the District Judge. Thus, it appears that the petitioner has filed the present writ application without exhausting the alternative remedy available under the law and on this ground alone the writ petition under reply is premature and fit to be dismissed.

4. In that background, learned counsel for the petitioner submits that she shall be approaching the competent Civil Court for the redressal of the grievance but there has been delay as she was agitating the matter before Patna High Court.

5. In case, if such petition is preferred in next four weeks, the competent Civil Court shall look into the aspect that



the matter was pending before the Patna High Court while dealing with the limitation petition, the writ petition is disposed of with the aforesaid observation.

(Rajiv Roy, J)

Raj Ranjan/-

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