

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20552 of 2014

1. Sri Amar Kasera
2. Sri Anup Kasera Both sons of Sri Gopal Kasera resident of mohalla - Chamdoria, Patna City, P.O. - Patna City, P.S. Chowk, District - Patna and presently residing at 4A, Narayan Niliyam Apartment, Rajendra Nagar, Road no. 6, P.O. Rajendra Nagar, P.S. Rajendra Nagar, P.S. Kadamkuan, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Patna Municipal Corporation, through the Municipal Commissioner, Patna.
3. The Municipal Commissioner, Patna Municipal Corporation, having office at Maurya Lok Commercial Complex

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. J.S. Arora, Sr. Advocate
For the State	:	Mr. Arvind Kumar, AC to GA-9
For the PMC	:	Mr. Sanjay Prakash Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 01-07-2025 Heard Mr. J.S. Arora, learned counsel for the petitioner and learned counsel representing the State as also Patna Municipal Corporation.

2. The present petition has been preferred for the grant of following relief(s):

(i) For quashing the order, as contained in Memo No. 4605 dated 19.7.2014, issued under the signature of Town Commissioner but never communicated to the petitioner, whereby the application for mutation filed by the petitioners



has been illegally, unlawfully and erroneously rejected on unfounded grounds.

(ii) Also for commanding the respondents to allow the application of the petitioners dated 20.10.2008 and to mutate their names in the record of the Patna Municipal Corporation (successor of Patna Regional Development Authority) with regard to the land appertaining to Plot no. 22C, Block A, Rajendra Nagar Road, no.1, P.S. Kadmkaun, District- Patna, without demanding any fresh application.

(iii) Also for any other appropriate relief/ reliefs to which the petitioners are found entitled either in the eye of law or in the facts and circumstances of the case.

3. Earlier, these petitioners moved before this Court in CWJC No. 17497 of 2009 (Amar Kesra and Anr. vs. The State of Bihar and Ors.) in which an order came to be passed on 01.12.2011 by the learned Single Judge allowing the writ petition (annexure 8 to the supplementary affidavit). Subsequently, the respondent no.4 Meera Gupta moved before the Appellate Court in LPA No. 1379 of 2014 (Meera Gupta vs.



The State of Bihar and Ors.) (Annexure-9 to the supplementary affidavit) in which the Court having taken note of the fact that the Title Suit No. 246 of 2001 is pending before the competent civil court observed that they are not inclined to entertain the appeal. It observed that any observation made by the Writ Court and/or by the said court shall not having any binding on the civil court which has to decide the right, Title or interest or possession for either of the parties.

4. The Appellate Court order has come in the year 2016 (13.01.2016) and in that background, and taking note of the said fact, the writ petition stands disposed of directing the parties to agitate the matter before the competent civil court in Title Suit No. 246 of 2001 which according to learned Senior Counsel is still pending.

5. The matter is of the year 2001 and it is high time that the same is taken to its logical conclusion at an earliest by the competent civil court.

(Rajiv Roy, J)

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