

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1505 of 2026

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Smt. Kamla Singh W/o-Late Kameshwar Singh, R/o Village-Mukundpur,
P.S.-Ekma, District-Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Additional Chief Secretary, Housing and Urban Development Department, Bihar, Patna.
4. The Municipal Commissioner, Patna Municipal Corporation, Patna.
5. The Executive Officer, New Capital Circle, Patna Municipal Corporation, Veerchand Patel Path, Patna.
6. The Executive Officer, Patna Municipal Corporation, Patliputra Circle, Sinha Library Road, Patna.
7. Dr. Shyam Priya Sharan Singh S/o Late Bhagwat Singh, R/o 40-B, Sahdev Mahto Marg, Near Santusti Hotel, S.K. Puri, P.O. and P.S.- S.K. Puri, District- Patna.
8. Ram Priya Sharan Singh S/o Late Bhagwat Singh, R/o 40-B, Sahdev Mahto Marg, Near Santusti Hotel, S.K. Puri, P.O. and P.S.- S.K. Puri, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhojot Singh, Advocate Mr. Mohit Ranjan, Advocate
For the State	:	Mr. Government Pleader (11)
For the PMC	:	Mr. Jawed Gaffar Khan, Advocate
For Resp. nos.7 & 8	:	Mr. Sunil Kumar Karn, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 03-04-2026 Heard learned counsel for the petitioner, learned

counsel for the Patna Municipal Corporation and learned

counsel for the respondent nos. 7 and 8.

2. The petitioner has filed the instant application for
the following reliefs:

“1. i. To direct the Executive



Officer, New Capital Circle, Patna Municipal Corporation, Veerchand Patel Path, Patna to mutate Flat No.- 33, Vaibhav Apartment, Budhmarg, Patna in the name of petitioner.

ii. To direct the Executive Officer, Patlipura Circle, Patna Municipal Corporation, Sinha Library Road, Patna to mutate Flat No. 302, Tulsi Ramayan Apartment, Baluper, Digha, Patna in the name of petitioner.

And/or Pass any such order(s) which Your Lordships may think fit and proper to the facts and circumstances of the case.”

3. The case of the petitioner in brief is that the brother of the petitioner was the owner of the two flats, description of which has been given in paragraph no.1 of the writ application, quoted herein above. The petitioner's brother and his wife who were both issueless having died on 5.2.2024 and 8.10.2023 respectively, the petitioner who claims to be the legal heir of the brother as per Schedule II of the Hindu Succession Act, 1956 filed an application before the Patna Municipal Corporation, however the same has not been decided by the Corporation. As such the instant writ application.



4. Learned counsel for the Corporation submits that an objection has been filed to the application filed by the petitioner by respondent nos.7 and 8. The contents of the objection is that the brother of the petitioner as also his brother's wife had executed a will in favour of respondent nos.7 and 8. Further referring to the order-sheet brought on record as Annexure-R/9 to the counter affidavit filed on behalf of the respondent nos.7 and 8, it is submitted that the private respondents have filed Letters of Administration Case no.77 of 2025 for grant of letters of administration with respect to the last will executed by the petitioner's brother in their favour and the same is pending consideration in the Court of the learned Principle District Judge, Patna.

5. Without going into the merits of the case of the parties, the fact not in dispute is that the brother of the petitioner having died on 5.2.2024, the two flats owned by him and fully described in paragraph no.1 were left behind. The application for mutation filed by the petitioner to which an objection has been filed by respondent nos.7 and 8 still remains to be decided by the Corporation.

6. In view of the facts and circumstances of the case, the instant writ application is disposed of directing the



Municipal Commissioner, Patna Municipal Corporation, Patna
(respondent no.4) to decide the application filed by the
petitioner for mutation of the property in question of the
deceased brother of the petitioner within a period of two months
from today.

7. It is made clear that this Court has not gone into the
merits of the case of the parties which is to be decided by the
respondent concerned.

8. The respondent no.4 shall give an opportunity of
filing further affidavit and also of hearing to both the petitioner
who has filed the application for mutation as also to respondent
nos.7 and 8 who have filed the objection to the same.

9. Both the petitioner and the respondent nos.7 and 8
shall appear through their counsel before the respondent no.4 on
9.4.2026 at 11:00 am when they will be intimated the next date
of hearing.

(Partha Sarthy, J)

saauravkrsinha/-

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