

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13149 of 2015

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Mohan Shankar Prasad, Son of Late Ram Pukar Sah, Resident of Village-
Raie Patti, Ward No.8, P.O. & P.S.- Dighwara, District- Saran at Chapra
(Bihar), At present Chairman of Bhartiya Janta Party, Nagar Mandal,
Dighwara, District- Saran at Chapra (Bihar).

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary Bihar Patna Cum
Chairman Infrastructure Authority Bihar, Patna.
2. The Secretary, Urban Development Department, Government of Bihar,
Patna.
3. The Secretary, Rural Works Department, Government of Bihar, Patna.
4. The Secretary, Rural Development Department, Government of Bihar,
Patna.
5. The Principal Secretary, Panchayati Raj Department, Government of
Bihar, Patna.
6. The District Magistrate, Saran at Chapra, District- Saran (Bihar).
7. The Executive Officer, District Board, Saran at Chapra, District Saran
(Bihar).
8. The Executive Engineer, District Board, Saran at Chapra, District- Saran
(Bihar).
9. The Executive Officer, Nagar Panchayat, Dighwara, Saran, District-
Saran at Chapra (Bihar).
10. Dulari Devi, Wife of Dashrath Manjhi, resident of Village Anant
Mirjapur, PO & PS Dighwara, District Saran, at present Chairman of Nagar
Panchayat, Dighwara, District Saran (Bihar)
11. Manorma Devi, wife of Manoj Kumar, resident of Village Hematpur,
PO & PS Dighwara, District Saran (Bihar)

.... Respondents

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with

Civil Writ Jurisdiction Case No.15351 of 2015

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- Om Prakash Singh, S/o Late Raman Singh, R/o Village Hematpur
(Fulwari), P.S. Digwara, District Saran.
2. Sahid Alam, S/o Late Abdul Hamid, R/o Raipatti Chowk, P.S. Digwara,
District Saran, Chappra.

.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Bihar Patna cum
Chairman Infrastructure Authority Bihar, Patna.
2. The Secretary, Urban Development Department, Government of Bihar,
Patna.
3. The Secretary, Rural Works Department, Government of Bihar, Patna.
4. The Secretary, Rural Development Department, Government of Bihar,
Patna.

5. The Principal Secretary, Panchayat Raj Department, Government of Bihar, Patna.
6. The District Magistrate, Saran at Chappra, District Saran (Bihar).
7. The Deputy District Collector, Saran at Chappra, District Saran (Bihar).
8. The Executive Officer, District Board, Saran at Chappra, District Saran (Bihar).
9. The Executive Engineer, District Board, Saran at Chappra, District Saran (Bihar).
10. The Executive Officer, Nagar Panchayat, Digwara, Saran, District Saran at Chapra (Bihar).
11. The District Board / Zila Parishad, Saran at Chappra, District Saran (Bihar).

.... Respondents

Appearance :

(InC No.13149 of 2015)

For the Petitioner/s : Mr. Siya Ram Shahi
Mr. Manoj Kumar
For the State : Mr. Anjani Kumar, AAG 6
For Respondents no.7 & 8 : Mr. Arun Kumar
For the Intervenors : Mr. Uday Kumar

(In CWJC No.15351 of 2015)

For the Petitioner/s : Mr. Sumeet Kumar Singh
For the Respondent/s : Mr. Ashok Kumar Keshri
For Respondent nos. 7,8, 9 & 11: Mr. Uday Kumar

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

6 09-11-2015

IA No. 9068 of 2015

This Interlocutory Application has been preferred for impleading the petitioners as respondent nos. 10 and 11 in CWJC No. 13149 of 2015.

Having heard learned counsel for the petitioners and considered the submission, this application is allowed. Let the petitioners of this interlocutory application be impleaded as party respondent nos. 10 and 11 in CWJC No. 13149 of 2015.

IA No. 9068 of 2015 stands disposed of.

CWJC Nos. 13149 of 2015 and 15351 of 2015



These two writ applications under Article 226 of the Constitution of India have been filed in the nature of Public Interest Litigation, raising a grievance that the District Board, Saran, at Chapra, is getting constructed certain shops, for commercial purposes, on the flank of the road at Gudri Bazar Railway Station, Dighwara, in violation of the statutory Building Bye-Laws. By an order, dated 29.10.2015, we had restrained, by way of interim measure, the District Board, Saran, from proceeding with any further construction of the concerned shops, upon being prima facie satisfied that the constructions were being made in violation of Building Bye-Laws.

Learned counsel appearing on behalf of the District Board, Saran informs us that in the light of this Court's order, dated 29.10.2015, construction work has been stopped and the District Board, Saran, has applied before the Executive Officer, Nagar Panchayat, Dighwara, for sanction of the building plan as per the Building Bye-Laws. He submits that the construction will commence only after the necessary sanction is obtained in accordance with law from the Executive Officer, Nagar Panchayat, Dighwara as per the Building Bye-Laws.

In view of the fair stand taken by the District Board,

Saran, at Chapra, we close these writ applications with a direction to the respondent No. 9, Executive Officer, Nagar Panchayat, Dighwara, Saran, District Saran, at Chapra, to take decision on the plan for construction of building as submitted by the District Board in accordance with the Building Bye-Laws, with utmost expedition and preferably within a period of one month from the date of receipt/production of a copy of this order.

(I. A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

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