

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16645 of 2015

=====

Kamlesh Kumar Sinha, son of Dr. Kaushal Kumar Prasad Sinha, owner of flat No.502, Nalanda Apartment, T.N. Banerjee Road, Chajju Bagh, P.S. Gandhi Maidan, District Patna

.... Petitioner/s

Versus

1. The Patna Municipal Corporation through the Municipal Commissioner, C Block, 2nd Floor, Maurya Lok Complex, P.S. Kotwali, District Patna
2. Vijay Kochar, son of late O.P. Kochar, resident of Mohalla Karbigahia, P.S. Jakkanpur, District Patna, at present Hotel Chanakya, Virchand Patel Path, Patna,

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Anshuman Singh, Adv.

For the Respondent/s : Mr. H. S. Himkar, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 16-10-2015 Heard Mr. Ashuman Singh learned counsel for the petitioner and Mr. H.S. Himkar learned counsel for the Patna Municipal Corporation.

The petitioner complains of deviation from the sanctioned map by the builder the respondent No.2 herein in making constructions on the ground floor, 6th and 7th floor of the Nalanda Apartment of which he is resident and which is situated in T.N. Banerjee Road, Chajjubagh with the town and district of Patna. According to the petitioner the Municipal Corporation had sanctioned the plan only for ground+5th floor but the builder deviating therefrom had not only made a construction on the ground floor but also indulged in making construction on the 6th

and 7th floor without obtaining sanction as required under the Bihar Municipal Act, 2007. He further submits that the attention of the Town Commissioner was drawn to this violation vide Annexure-3 but to no avail and hence this writ petition.

Mr. Himkar has appeared for the Corporation to submit that should an appropriate application be filed by the petitioner giving the details it would be acted upon.

I have heard learned counsel for the parties and considering the nature of grievance raised herein, the writ petition is disposed of with the liberty to the petitioner if so advised, to file a comprehensive application before the Municipal Commissioner, Patna Municipal Corporation under the provisions of the Bihar Municipal Act by arraigning the builder and the land owner as a party and by explaining the deviation made by them in violation of the sanctioned map. It goes without saying that any such application being filed by the petitioner would be considered and disposed of by the Municipal Commissioner in accordance with law and after opportunity of hearing to the contesting parties.

(Jyoti Saran, J)

Bibhash/-

U			
---	--	--	--