

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2939 of 2014

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1. M/S Asterisk Home Pvt. Ltd. through It's one of the Directors Namely Sri Santosh Kumar Sinha
 2. Santosh Kumar Sinha son of Late Kaushal Kishore Prasad residing at A/338, A.G. Colony, P.O. Ashiana Nagar, P.S. Shastri Nagar, Patna-800025, Bihar

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Town Planning and Urban Development, Government of Bihar, Patna
2. The Patna Municipal Corporation (the erstwhile Patna Regional Development Authority) through It's Commissioner cum Chief Executive Officer Maurya Lok Building, Baily Road, Patna
3. The Executive Officer, New Capital Division, Patna Municipal Corporation, Maurya Lok Building, Baily Road, Patna
4. The Station House Officer, Gardanibagh Police Station, Gardanibagh, Patna
5. The Junior Engineer (the erstwhile Patna Regional Development Authority) Presently Patna Municipal Corporation Team No.2
6. The Assistant Engineer (the erstwhile Patna Regional Development Authority) Presently Patna Municipal Corporation Team No.2
7. The Executive Engineer (the erstwhile Patna Regional Development Authority) Presently Patna Municipal Corporation Team No.2
8. The Vigilance Officer Patna Municipal Corporation, Maurya Lok Complex, Baily Road, Patna

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Gajendra Pratap Singh, Advocate
For the Respondent/s : Mr. Ashok Kumar Keshri, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 23-03-2015 Heard the parties.

Mr. Gajendra Pratap Singh, learned counsel for the petitioner with reference to the order passed by this Court on 9.3.2015 submits that the grievance of the petitioner stands recorded.



The petitioner is aggrieved by the suo motu action of the police authority in issuing restraint orders. It is his complaint that despite the position being settled in the order dated 10.12.2013 passed in CWJC No. 23845 of 2013 when a Bench of this Court taking notice of a similar action by the Municipal and Policing authority laid down the circumstances under which such order could be passed, yet within less than a fortnight that the Municipal Commissioner issued another notice after registering a Vigilance Case No. 219A/2013 and issued identical orders to the police authority for ensuring that the petitioner does not continue with further construction. The notice impugned at Annexure-5 also required the petitioner to respond which was filed vide Annexure-7. Since the matter remained pending before the Municipal Commissioner, Patna Municipal Corporation that the petitioner moved this Court questioning the restraint order and while the present matter remained pending before this Court that the Vigilance Case has been disposed of on 12.4.2014.

It is stated at the bar by Mr. Ranjeet Kumar Pandey appearing for the Patna Municipal Corporation that being aggrieved the petitioner has preferred an appeal before the Municipal Building Tribunal bearing Appeal Case No. 22 of 2014 arising from Vigilance Case No. 219A of 2013.

A prayer has been made by Mr. Singh appearing for the petitioner for an expeditious disposal of the appeal which was filed on 2.5.2014 and was admitted vide order passed on 2.5.2014 / 5.5.2014.

In the circumstances existing presently, nothing remains for consideration insofar as the present writ petition is concerned which is accordingly disposed of. Insofar as the disposal of the appeal is concerned, the learned Municipal Building Tribunal would be well advised to consider and dispose of the appeal in accordance with law and in an expeditious manner.

S.Sb/-

(Jyoti Saran, J)

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