

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5286 of 2014

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Awadhesh Kumar Chandravanshi S/o Shiv Nandan Prasad R/o B.M. Das
Road, P.S.- Pirbahore, Distt.- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Urban Development Department, Government of Bihar, Patna
3. The Municipal Commissioner, Patna Municipal Corporation, Maurya Lok, Patna
4. The Executive Officer, Bankipur Circle, Patna Municipal Corporation, Patna
5. The Executive Engineer, Bankipur Circle, Patna Municipal Corporation, Patna
6. The Officer In-Charge, Pirbahore Police Station, Pirbahore, Patna

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate
Mr. Prashant Kumar Sinha, Advocate

For the Respondent/s : Mr. Ashok Kumar Keshri, AAG-IX
Mr. Ratna Deep Prasad, A.C. to AAG-IX

For the P.M.C. : Mr. Ranjeet Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 11-05-2015 Heard the parties.

Although the petitioner has sought to question the order dated 15.2.2014 passed by the Municipal Commissioner, Patna Municipal Corporation in Vigilance Case No. 61A of 2013 but in view of the provisions underlying Section 323(3) of the Bihar Municipal Act, 2007 (hereinafter referred to as 'the Act'), the petitioner has a legal remedy to question the order passed by the Chief Municipal Officer by way of appeal to be filed before the

Municipal Building Tribunal appointed under Section 329 of 'the Act'.

Learned counsel submits that there is limitation prescribed for the purpose and which has expired during pendency.

Having heard learned counsel for the parties and taking note of the statutory provisions underlying Section 323(3) of 'the Act' and taking note of the fact that the writ petitioner moved this Court within 30 days of passing of the order passed by the Municipal Commissioner, it is directed that if the petitioner files an appeal within 30 days from today together with a petition for condonation of delay, the same should be considered on its own merits and be disposed of in accordance with law after giving opportunity of hearing to the petitioner.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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