

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2572 of 2015

=====

Rajendra Pd. Mishra, son of late Ram Rup Mishra, R/o Village-
Mahiyarpur, P.S.- Manihari, District- Purnea, at present retired Dy. S.P.
Patna, A/18, Anandpuri, P.S.- S.K. Puri, Town & District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Urban Development Department.
2. P.R.D.A., Patna through Vice-Chairman at Maurya Lok, P.S.- Kotwali, District- Patna.
3. Sri Mithilesh Singh, S/o Nandji Singh, A/19 Anandpuri, P.S.- S.K. Puri, District- Patna.
4. Patna Municipal Corporation through its Town Commissioner, P.M.C., Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : None
For the Respondent-Stat : Mr. Ashok Kumar Keshri, AAG-11
For the respondent-P.M.C. : Mr. Sanjay Prakash Verma

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

5 15-05-2015 Today is the second successive date when the matter has been taken up, the petitioner who is appearing in person has not chosen to appear.

The petitioner complains of non-disposal of Appeal No.6 of 2011 by the Bihar Municipal Building Tribunal.

The matter was heard earlier and a report was called for from the Tribunal and when Mr. Ashok Kumar Keshri, learned AAG-11 on instruction submitted that for reasons of vacancy initially the appeal could not be disposed of but the vacancy has since been filled up and now the delay is on account of non-furnishing of the relevant records by the Patna Municipal

Corporation. He thus submitted that the delay is wholly accountable to the authorities of the Municipal Corporation.

In view of the statement made by Mr. Keshri that Mr. Sanjay Prakash Verma, learned counsel appearing for the Patna Municipal Corporation was directed to seek instruction as to the reasons for such delay and the matter has thereafter been taken up today when it is submitted by Mr. Verma that since the records were missing hence they were required to be reconstructed but the same has now been reconstructed. He submits that the Corporation attempted to file the records but the same was directed to be filed along with the latest measurement of the disputed constructions. It is further submitted that the records along with the latest measurement report as desired by the tribunal would be filed within two weeks.

Perusal of the records manifests that a similar grievance was raised by the petitioner complaining of delay by the Municipal Building Tribunal in disposal of Appeal No.6 of 2011 bearing CWJC No.2254 of 2009 and which was disposed of with direction to the Tribunal to dispose of the appeal within two months.

In view of the submissions so made by Mr. Keshri and Mr. Verma the writ petition is disposed of with direction to

the Municipal Building Tribunal to dispose of the Appeal No.6 of 2011 in accordance with law expeditiously and preferably within a period of six months from the date of presentation of the records by the Corporation which should be done within two weeks from today. It is further directed that the parties would cooperate in expeditious disposal of the appeal.

(Jyoti Saran, J)

SKPathak/-

U			
---	--	--	--