

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10281 of 2015

=====

Zakir Hussain son of Late Wazir Hussain Khan, resident of 68, South Gandhi Nagar, Boring Road, P.S.-Srikrishnapuri, Patna- 800001, District-Patna

.... Petitioner/s

Versus

1. The Patna Municipal Corporation, Maurya Lok Complex, Patna, through its Municipal Commissioner
2. The Chief Executive Officer, Patna Municipal Corporation, Maurya Lok Complex, Patna
3. The Estate Officer, Planning & Development, Patna Municipal Corporation, Maurya Lok Complex, Patna

.... Respondent/s

=====

Appearance:

For the Petitioner/s : Mr. Suraj Samdarshi, Advocate

For the P.M.C. : Mr. Sanjay Prakash Verma, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

5 07-10-2015 Heard Mr. Suraj Samdarshi for the petitioner and Mr. Sanjay Prakash Verma for the Municipal Corporation.

The writ petition was filed seeking a direction to the authorities of the Patna Municipal Corporation for grant of a 'no objection certificate' in case the petitioner would require to mortgage the property for business purposes. The petitioner has stepped into the shoes of the original lease holder and has also paid the prescribed amount by way of lease being 50 per cent of the profit as well as the penalty amount.

The facts are not in dispute rather are admitted and also manifest from Annexure-3 to the writ petition. Consequent thereupon the name of the petitioner has entered in the Municipal record. It is because the petitioner needed to mortgage the property

for business purposes that he prayed for issuance of 'no objection certificate' from the Patna Municipal Corporation and since it got delayed that he has approached this Court.

While the matter has remained pending before this Court that the Town Commissioner, Patna Municipal Corporation on 23.9.2015 has issued the 'no objection certificate' in favour of the petitioner subject to certain stipulations. According to Mr. Samdarshi the stipulation present at clause-4 of the 'no objection certificate' which *inter alia* provides that on initiation of any proceedings before the District Certificate Officer, the certificate will stand revoked, is onerous in nature. According to Mr. Samdarshi the petitioner is not aware of any such dues since the sale deed reflects no dues.

In my opinion, the apprehension expressed by Mr. Samdarshi is presumptuous and cannot be granted indulgence at its present stage and should the occasion so arise, the petitioner would be at liberty to raise such issue.

Since the grievance of the petitioner has been redressed, hence the writ petition is disposed of.

(Jyoti Saran, J)

S.Sb/-

U			
---	--	--	--