

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6889 of 2015

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1. Smt. Sadhna Kishore, aged about 49 years, wife of Sri Kishore Choudhary resident of -A-41 Anjali Apartment, Behind Alankar Place, Boring Road, P.S. Buddha Colony, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary Arban Development Bihar, Patna.
2. Patna Municipal Corporation, Mauryalok, P.S. Kotwali, District- Patna through its Commissioner.
3. Executive Officer, New Capital Circle, Patna Municipal Corporation, Harding Road, P.S.- Sachivalaya, District- Patna.
4. Municipal Tax Collector, New Capital Circle, Patna Municipal Corporation, Harding Road, P.S- Sachivalaya, District- Patna.
5. Officer-in-Charge, Buddha Colony Police Station, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uma Kant Tiwary, Adv.

For the Respondent/s : Mr. Abbas Haider, SC16

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 03-07-2015 This writ petition is directed against the order bearing Memo No.638 dated 18.3.2014 of the Executive Officer, New Capital Circle, Patna Municipal Corporation which is addressed to the Station House Officer, Buddha Colony police station, Patna in the light of the general direction issued by this Court in C.W.J.C. No. 8152 of 2013 whereunder upon gathering information that the petitioner indulged in construction of a building on a road which is less than 20 ft. wide that direction have been issued to the Station House Officer to put a restraint on going construction.

Mr. Prasoon Sinha, learned counsel appears on behalf of the

Patna Municipal Corporation to submit that a vigilance case has also been instituted against the petitioner bearing Vigilance Case No. 114A of 2015 and the petitioner would be well advised to respond in the vigilance case and pursue the prayer made herein before the statutory authority.

In my opinion, the submissions are fair and has to be accepted. Once the vigilance case has already been instituted against the petitioner, he is lawfully obliged to respond to the proceeding and if so advised the petitioner can also make his prayer for vacating the order of stay issued by the Executive Officer bearing letter dated 18.3.2014 which is impugned in the present proceedings in the pending vigilance case proceedings.

The writ petition is disposed of with the observations and directions aforementioned.

(Jyoti Saran, J)

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