

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2810 of 2015

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Gopal Prasad S/o Late Ram Ratan Das R/o, Mungerganj Sabji Bazar, P.S.
Town, Distt- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Urban Development, Govt. of Bihar, Patna.
2. The Begusarai municipal corporation through the additional Commissioner, Begusarai municipal corporation, Begusarai.
3. The collector, Begusarai, at Begusarai.
4. The SDO, Begusarai, at Begusarai.
5. The Circle Officer, Begusarai
6. Jitendra Narain Agrawal S/o late Ravindra Narain Agrawal
7. Rajeev Kumar Agrawal Both resident of Mungeriganj, PS Town, Begusarai, Distt- Begusarai.
8. Sanjeev Agrawal both sons of late Arvind Narain Agrawal, resident of Kharag Narain Road, Mungeriganj, PS Town, Begusarai, Distt- Begusarai..

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Suresh Pd Singh No.1, Advocate

For the Respondent/s Mr. R.K. Priyadarshi, SC-32

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 09-03-2015 Heard Mr. Suresh Prasad Singh, learned counsel for the petitioner and Mr. Ravindra Kumar Priyadarshi, learned counsel for the State.

The petitioner in a thoroughly misconceived interpretation of an order passed in L.P.A. No. 299 of 2014 has chosen to move this Court through the present writ petition seeking to restrain the respondent authorities of the Begusarai Municipal Corporation from carrying out any demolition work.

The petitioner is a tenant under the respondent no. 7 and

this is an admitted fact. It is also an admitted fact that a writ petition preferred by the respondent no. 7 against the demolition exercise bearing CWJC No. 768 of 2009 stands dismissed.

It is also an admitted fact that the respondent no. 7 has not chosen to question the dismissal of his writ petition before any superior forum.

I wonder as to how in such admitted circumstances, an order passed in L.P.A. No. 299 of 2014 filed by a third party stranger, in any manner can grant liberty to the petitioner to move this Court again in the same matter when the writ petition preferred by his landlord i.e. respondent no. 7 bearing CWJC No. 768 of 2009 questioning the very same demolition purportedly being carrying out by the authorities of the Municipal Corporation under Section 336 of the Bihar Municipal Act, 2007 was negated by the writ court and not appealed against by the writ petitioner i.e. the respondent no. 7. A copy of the order of the writ court is present at Annexure-2.

The writ petition is thoroughly misconceived and is dismissed accordingly.

(Jyoti Saran, J)

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