

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14708 of 2014

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Raj Kumar Kejriwal, son of Late Murlidhar Kejriwal, C/o Murli Textile Pvt. Ltd., situated at Sutapatti, Sujaganj, P.S.- Kotwali, District- Bhagalpur, at present residing at D-22, Sector-5, Devendra Nagar, P.S.- Mova, District- Rajpur (Chhattisgarh).

.... Petitioner/s

Versus

1. Bhagalpur Municipal Corporation, Adampur, P.S. Adampur, District- Bhagalpur, through its Commissioner.
2. The Municipal Commissioner, Adampur, P.S.- Adampur, District- Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Naresh Kumar Malhotra, Sr. Adv. with
Mr. Binod Kumar Sinha

For the Respondent/s : Mr. Manoj Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 03-11-2015 Mr. Naresh Kumar Malhotra, learned senior counsel

appearing on behalf of the petitioner and Mr. Manoj Kumar

Sinha, learned counsel appearing for the Bhagalpur Municipality

are present and have been heard.

It is submitted by Mr. Malhotra, learned senior
counsel appearing for the petitioner that the petitioner seeks to
challenge the order dated 21.8.2009 passed by the Municipal
Commissioner, Bhagalpur in Case No.39 of 2009-10 by way of
this writ petition since at the relevant time the Municipal
Building Tribunal constituted under section 329 of the Bihar
Municipal Act, 2007 (hereinafter referred to as 'the Act') was
not functional, but now that the Tribunal is functional hence he

may be permitted to withdraw this writ petition to exhaust the appellate remedy so available to the petitioner under section 323(3) of 'the Act'. Prayer is allowed.

The writ petition is accordingly disposed of.

(Jyoti Saran, J)

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