

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16372 of 2015

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1. Shahnaz Ali, W/o Late Sh. Syed Faiz Murtaza Ali, R/o 112, Uday Park, New Delhi.
 2. Seher Ali Saini, D/o Late Sh. Syed Faiz Murtaza Ali, W/o Sh. Bhisham Saini, R/o 48, Uday Park, New Delhi.

.... Petitioner/s

Versus

1. The Patna Municipal Corporation, Maurya Lok Complex, Patna through the Commissioner, Patna Municipal Corporation.
2. The Commissioner, Patna Municipal Corporation, Maurya Lok Complex, Patna.
3. M/s. Ganpati Developers Pvt. Ltd. through its Director Sh. Lakshmi Shankar Mishra, Dak Bunglow Road, Patna.
4. M/s. Meridian Construction Ltd. Dak Bungalow Road, Patna, Fraser Road, Patna- 800001 through its Chairman –cum- Managing Director Amu Dojana.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sandeep Kumar
Mr. Alok Kumar @ Alok Kr. Shahi

For the Respondent/s : Mr. Sanjay Prakash Verma

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

2 09-10-2015 Heard Mr. Sandeep Kumar, learned counsel appearing on behalf of the petitioners and Mr. Sanjay Prakash Verma, learned counsel appearing for the Patna Municipal Corporation.

The Vigilance case bearing no.200A of 2013 was disposed of by the Municipal Commissioner with certain directions to the builder present at Annexure-8. The order was appealed against before the Municipal Tribunal where admittedly the matter is pending in Appeal Case No.78 of 2014. The petitioners claim to be the title-holders of the land in question but submit that in the appeal the builder did not add them as a party and despite the status-quo order passed by the

Tribunal requiring the parties to maintain status quo, the builder continues to flout the same.

It is the grievance of the petitioners that although they have drawn the attention of Tribunal that they were party before the Municipal Commissioner but have not been added as party and that the status quo order has been violated by the appellants but no notice has been taken. Unfortunately neither the application for impleadment filed before the Tribunal is placed on record nor there is anything to demonstrate that the petitioners have drawn the attention of the Tribunal towards the violation of the status-quo order by the builder/appellant.

Though Mr. Sandeep Kumar, learned counsel appearing for the petitioners very stressfully submits that such application(s) have been filed but the records is silent.

In the circumstances, the writ petition is disposed of with liberty to the petitioners to file an appropriate application seeking impleadment in the pending appeal as well as for drawing the attention of the tribunal towards the violation of the order of status-quo by the builder/appellant or by any other party and which shall be considered and disposed of by the Tribunal in accordance with law.

(Jyoti Saran, J)

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