

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.2068 of 2015

In
Civil Writ Jurisdiction Case No. 16372 of 2015

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Shahnaz Ali & Anr

.... Appellant/s

Versus

The Patna Municipal Corporation & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sandeep Kumar

For the Respondent/s : Mr. S.P.Verma

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

3 23-11-2015 Aggrieved by the order, dated 09.10.2015, passed in
C.W.J.C.No. 16372 of 2015, the writ petitioners are in appeal
before us.

The Municipal Commissioner, Patna, disposed of
Vigilance Case No. 200A of 2013 with certain directions to
private respondents herein. The direction, so given, was impugned
in appeal before the Municipal Tribunal, Patna, which gave rise to
Appeal Case No. 78 of 2014, which is still pending.

With the help of this writ petition, bearing C.W.J.C.No.
16372 of 2015, the writ petitioners, claiming themselves to be the
title-holders of the land, in question, submitted that in the appeal,
the builder had not made them party and despite the *status quo*

order, passed by the Tribunal, requiring the parties to maintain status quo, the builder continued to violate the same.

The grievance of the writ petitioners, i.e., the appellants herein, is that they had drawn the attention of the Tribunal to the fact that they were party before the Municipal Commissioner, but had not been made party in the appeal and that the *status quo* order was being violated by private respondents herein, but no notice was being taken on these submissions by the Tribunal. While dismissing the writ petition, the learned single Judge has pointed out, in the order, dated 09.10.2015, that neither the application for impleadment, which had been filed before the Tribunal, has been placed on record of the case nor is there anything to demonstrate that the petitioners had drawn the attention of the Tribunal to the alleged violation of the *status quo* order by the builder.

In the circumstances indicated above, the writ petition was disposed of by the order under appeal with liberty to the writ petitioners to file an appropriate application seeking impleadment in the appeal pending before the Tribunal as well as for drawing the attention of the Tribunal towards the alleged violation of the order of *status quo* by the private respondents herein or by any other party and which shall be considered and disposed of by the Tribunal in accordance with law.

Heard Mr. Sandeep Kumar, learned counsel for the appellants, and Mr. S.P.Verma, learned counsel for the respondents.

After some argument, learned counsel for the appellants seeks leave to withdraw this appeal with liberty to file review petition in respect of the order, dated 09.10.2015, aforementioned for impleadment, which the appellants claimed to have filed in the appeal bearing Appeal Case No. 78 of 2014 and also to bring materials on record to show that the attention of the Tribunal had been drawn towards the violation of the order of *status quo* by private respondents herein.

To the submissions so made, no objection has been raised on behalf of the respondents.

In view of the above and in the interest of justice, this appeal is hereby disposed of as withdrawn with liberty aforementioned.

(I.A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

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