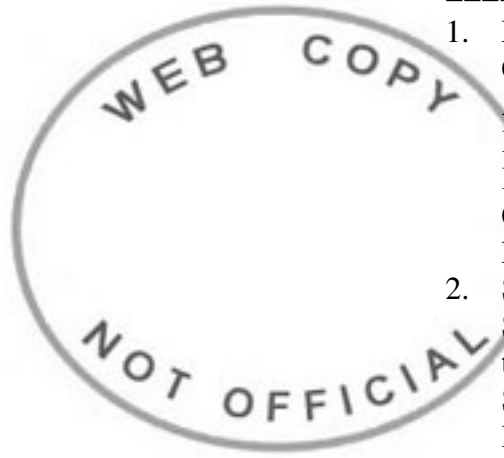


IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1244 of 2014



- =====
1. M/S Classicon Builders and Developers, Registered Company under Companies Act, 1956 having its registered office at Shiv Mitra Apartment, Vivekanand Marg, House No. 1/22, Mohalla - Sri Krishnapuri, Patna through its Managing Director namely Deepak Kumar Sinha, son of Sri Shiv Shankar Sinha, resident of IInd Floor, J.J. Complex, East Boring Canal Road, P.S. - Budha Colony, District - Patna
 2. Satyendra Kumar Sinha, son of Late Sheo Narain Sinha 'Sumitra Sadan', Justice Raj Kishore Path, New Area, Kadamkuan, Patna through his Power of Attorney holder Sri Deepak Kumar Sinha, son of Sri Shiv Shankar Sinha, resident of IInd Floor, J.J. Complex, East Boring Canal Road, P.S. - Budha Colony, District - Patna through his Power of Attorney holder Sri Deepak Kumar Sinha, son of Sri Shiv Shankar Sinha, resident of IInd Floor, J.J. Complex, East Boring Canal Road, P.S. - Budha Colony, District – Patna.
 3. Birendra Kumar Sinha, son of Late Sheo Narain Sinha 'Sumitra Sadan' Justice Raj Kishore Path, New Area, Kadamkuan, Patna through his Power of Attorney Holder Sri Deepak Kumar Sinha, son of Sri Shiv Shankar Sinha, resident of IInd Floor, J.J. Complex, East Boring Canal Road, P.S. - Budha Colony, District – Patna.
 4. Ravindra Kumar Sinha, son of Late Sheo Narain Sinha 'Sumitra Sadan' Justice Raj Kishore Path, New Area, Kadamkuan, Patna through his Power of Attorney Holder Sri Deepak Kumar Sinha, son of Sri Shiv Shankar Sinha, Resident of IInd Floor, J.J. Complex, East Boring Canal Road, P.S. - Budha Colony, District – Patna.
 5. Narendra Kumar Sinha, son of Late Sheo Narain Sinha 'Sumitra Sadan' Justice Raj Kishore Path, New Area, Kadamkuan, Patna through his Power of Attorney holder Sri Deepak Kumar Sinha, son of Sri Shiv Shankar Sinha, resident of IInd Floor, J.J. Complex, East Boring Canal Road, P.S. - Budha Colony, District – Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Urban Development, Government of Bihar, Patna.
2. The Patna Municipal Corporation, Maurya Lok Complex, Dak Bungalow Road, P.S. - Kotwali Town, and District - Patna through its Commissioner.
3. The Vigilance Officer, Patna Municipal Corporation, Dak Bungalow Road, P.S. - Kotwali Town, and District – Patna.
4. The Executive Engineer, New Capital Circle, Patna Municipal Corporation, Dak Bungalaw Road, P.S. - Kotwali Town, and District - Patna
5. The Officer-in-Charge, S.K. Puri Police Station, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : None
For the Respondent-State : Mr. P.K.Singh, SC-12
For the Respondet- Corporation : Mr. Sanjay Prakash Verma

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

23-02-2015

The petitioners are aggrieved by the orders/notices issued by the authorities of the Patna Municipal Corporation as impugned in the writ petition whereby they have been directed to stop further construction pending disposal of their respective vigilance cases in the light of the order passed by this Court in CWJC No.8152 of 2013 dated 10.5.2013.

None appears on behalf of the petitioner. Counsel for the State as well as Mr. Sanjay Prakash Verma, learned counsel appearing for the Patna Municipal Corporation are present.

It is contended by Mr. Verma that a vigilance case is instituted for the alleged deviation by the developers/land owners which were found to be in contravention of the Building Bye-laws and it is on the strength of the order of this Court passed in CWJC No.8152 of 2013 that directions were issued to stop further construction pending consideration of the vigilance cases. He submits that the matter is yet pending consideration before the Commissioner, Patna Municipal Corporation and thus all issues as raised herein are available to the petitioners to contest before the Commissioner, Patna Municipal Corporation in the pending vigilance case.

Records transpires that responding to the notices the petitioners have also filed a petition before the Commissioner, Patna Municipal Corporation in Vigilance Case No.117A of 2013 for condonation of the deviations as also for recall of the order whereby direction was issued for stopping the construction.

Having considered the submissions of learned counsel for the Corporation and taking note of the issues raised in this writ petition this Court is not persuaded to grant indulgence to the prayer made and this writ petition is accordingly disposed of.

(Jyoti Saran, J)

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