

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.616 of 2015
IN
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.

.... Appellant

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 Mungerganj , PS Town, Begusarai, Distt. Begusarai.
8. Sanjeev Agrawal, both sons of Late Arvind Narain Agrawal, Resident of Kharag Narain Road, Mungerganj , PS Town, Begusarai, Distt. Begusarai.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Suresh Pd Singh No.1, Adv.
For the Respondent/s : Mr. Kundan Kumar, A.C. to S.C. 32
Mr. Mrigank Mauli, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 21-07-2015

The unsuccessful petitioner in C.W.J.C.

No.2810/15 filed this Letters Patent Appeal, feeling

aggrieved by the order dated 9.3.2015 passed in the writ petition.

The grievance ventilated in the writ petition was that though he is tenant in respect of premises owned by the 6th respondent, the Begusarai Municipal Corporation, the 2nd respondent herein, accorded permission for demolition of the same at the instance of the 7th respondent who is said to be an I.A.S. officer. In effect, the appellant challenged the proceedings through which the 2nd respondent had accorded permission for pulling down of the building on the ground that it is in dilapidated condition. The writ petition was dismissed.

Heard Shri Suresh PrasadSingh, learned counsel for the appellant and Shri Mrigank Mauli and Shri Kundan Kumar, learned counsel for the respondents.

The issue pertaining to the demolition of the buildings that were constructed over Khesra No.1331 and 1334, within the limits of Begusarai, is the subject-matter of several proceedings. At the first instance, C.W.J.C. Nos.9109/08 and 768/09 were filed challenging the permission accorded by the 2nd respondent in exercise of power under Section-336 of the Municipal Act and the other for implementation thereof. The learned single Judge who



decided the writ petition took note of the fact that the tenants were put on notice and the buildings were liable to be demolished. A commission was also constituted to ascertain the condition of the building. Ultimately, a common judgment was rendered on 30th January, 2012. It is stated that the judgment referred to above has attained finality. Thereafter a tenant, by name Md. Javed moved this Court in C.W.J.C. No.13135/12. That writ petition was dismissed on 12.7.2013. Though the said Md. Javed filed L.P.A. No.299/14, he has withdrawn the same. The appellant has virtually pleaded the same facts as Mr. Javed and wants the demolition to be stayed.

We are not at all inclined to accept the contention. The order through which the 2nd respondent accorded permission for demolition of the building has assumed finality with the common judgment dated 30th January, 2012, in the two writ petitions filed in the year 2008 and 2009. The appellant did not participate in these proceedings nor did he ventilate any grievance. The record discloses that the order of demolition was in respect of a large constructed area over Khesra Nos. 1331 and 1334. The appellant cannot make out any distinction as his portion forms part of larger premises.

We do not find any reason to interfere with the order under appeal. Accordingly, Letters Patent Appeal is dismissed.

Interlocutory application, if any, stands disposed of.

There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Anjana Mishra, J)

K.C.jha/-
N.A.F.R.

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