

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6227 of 2016

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1. Vijay Prakash Sinha
 2. Satyendra Prakash Sinha
 3. Om Prakash Sinha All Sons of Sri Yogendra Singh and Resident of Mohalla - Nand Gaon (Sherullahpur), P.O. & P.S. Shastri Nagar, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar through its Secretary, Department of Urban Development, Government of Bihar, Patna
2. Patna Municipal Corporation, Budh Marg, Patna through the Municipal Commissioner
3. The Municipal Commissioner, Patna Municipal Corporation, Budh Marg, Patna
4. Senior Superintendent of Police, Patna
5. S.H.O., Shastri Nagar, Patna
6. Sayed Imam Ahmad Son of Late Wasi Ahmad resident of Mohalla - Samanpura, North of Danish Apartment, Rajabazar, P.S. Shastrinagar, District - Patna

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Ujjawal Kumar, Advocate

For the Respondent/s : Mr. Syed Arshad Alam, SC-3

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 11-04-2016 Heard Mr. Yugal Kishore, learned counsel for the petitioners and Mr. Prasoon Sinha, learned counsel for the Municipal Corporation.

The limited grievance raised by these petitioners is that the Municipal Commissioner, Patna Municipal Corporation is not taking appropriate steps to implement its own order dated 22.5.2014 passed in Vigilance Case No. 200A of 2014, a copy of which is placed at Annexure-10 to the writ petition whereby

certain restraint orders were issued by the Commissioner as against the private respondents.

Mr. Yugal Kishore has invited the attention of this Court towards the judgment and order dated 12.3.2015 passed in CWJC No. 7643 of 2009 heard alongwith CWJC No. 9068 of 2011 to submit that both the contesting parties were before this Court questioning the order of cancellation of their respective plan case and this Court in consideration of the grievance raised was pleased to quash the order of cancellation of the plan case submitted by each of the contesting parties and the matter was remitted back to the Commissioner for its disposal in accordance with law. It is next submitted that even after the remand the order dated 22.5.2014 placed at Annexure-10 is not being given effect to.

I am surprised as to how the order dated 22.5.2014 present at Annexure-10 can give a cause of action for a second round litigation because this order was much present when the earlier round of litigation got disposed on 12.3.2015 vide Annexure-12.

In the circumstances, no case for indulgence is made out. This application is accordingly disposed of leaving it open for the petitioners to invite the attention of the Municipal

Commissioner to the grievance raised herein and considering the nature of grievance raised and the long pendency of the dispute, let the Municipal Commissioner accordingly take necessary steps for disposal of the Vigilance Case in accordance with law preferably within nine months from the date of receipt / production of a copy of this order.

S.Sb/-

(Jyoti Saran, J)

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