

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1310 of 2015

- =====
1. Rishikesh Singh, son of Sri Niwas Prasad Singh, resident of Flat No. 103.
 2. Deepak Kumar, son of Sri Jagdish Prasad, resident of Flat No. 104.
 3. Sawan Kumar, son of Sri hareshwar Singh, resident of Flat No. 101.
 4. Subodh Kumar Porel, son of late Kanhai Lal Porel, resident of Flat No. 102.
 5. Dr. Shivashankar Vidhyarthi, son of late Anup Lal yadav, resident of Flat No. 201.
 6. Subodh Kumar, son of late Shyam Narayan Singh, resident of Flat No.202.
 7. Ram Narayan Shroff, son of late Loknath Shroff, resident of Flat No. 203.
 8. Rajesh Kumar Mishra, son of Sri Amrendra Kumar Mishra, resident of Flat No. 204.
 9. Annu Kant, son of Sri Harendra Singh, resident of Flat No. 301.
 10. Akhilesh Kumar, son of late Braj Kishore Rohtogi, resident of Flat No. 302.
 11. Chandra Shekhar Rahtogi, son of late Haridev Prasad Rohatogi, resident of Flat No.303.
 12. Ajit Kumar Jain, son of late Bajraj Lal Jain, resident of Flat No. 304.
 13. Lalit Chandra Mishra, son of late Krishna Prasad Sinha, resident of Flat No. 403.
 14. Biswas Kumar Sinha, son of late B.P.Sinha, resident of Flat No. 403.
 15. Bibhuti Kumar Verma, son of late Kedarnath Verma, resident of Flat No.404.

All are residents of S.L.D. Apartment Society, Opposite S.B.I. Main Road,
Kankarbagh, P.S.- Kankarbagh District- Patna-800020. Petitioner/s

Versus

1. The State of Bihar through its Collector-cum-District Magistrate, Patna.
2. S.D.O. Sadar, Patna.
3. The Municipal Commissioner, Municipal Corporation, Patna.
4. Superintendent of Police, Patna.
5. Station House Officer, Kankarbagh, Patna.
6. Arun Kumar Arun, son of not known.
7. Aditya Kishore Aditya, son of Arun Kishore Arun.
8. A.K.Bikram, son of Arun Kishore Arun.

All residents Flat No. 401, S.L.D. Apartment, Opposite S.B.I. Main Road,
Kankarbagh, P.S.- Kankarbagh District- Patna-800020. Respondent/s

=====



Appearance:

For the Petitioner/s : Mr. Md. Shahnawaz Ali, Advocate.
For the P.M.C. : Mr. Sanjay Prakash Verma, Advocate.
For the Resp. No. 6-8 : Mr. Anjani Kumar Jha, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 22-12-2016

Heard learned counsel for the parties.

Pursuant to order dated 14.12.2016, second and third supplementary counter affidavits have been filed on behalf of the respondents no. 6, 7 and 8 and supplementary counter affidavit has been filed on behalf of the respondent no. 3 today.

In the third supplementary counter affidavit filed on behalf of the respondents no. 6,7 and 8 the following has been stated :

“2) That the respondent no. 6,7 and 8 undertake that in future also flat no. 401 of SLD apparent will not be used by respondent no. 6,7 and 8 for any commercial purposes, also deponent tenders unconditional and unqualified apology for inconvenience caused to this Hon’ble Court”.

In view of the aforesaid, the grievance of the petitioner in the present writ application stands redressed.

The supplementary counter affidavit filed on behalf of the respondent no. 3 reveals that steps have been taken for issuance of paper publication with regard to general notice to the public at large for not doing commercial activities from residential areas/apartments



within the limit of Patna Municipal Corporation, Patna.

Learned counsel appearing on behalf of the respondent no. 3 submitted that the notice has already been published in the daily English newspaper, the Times of India, Patna edition, today.

In view of the aforesaid, the writ application stands disposed off with the direction that the Patna Municipal Corporation shall ensure that there is no violation with regard to nature of use of land within its jurisdiction, especially of residential areas/properties being used for commercial purposes.

Copy of the paper publication as produced by the learned counsel for the respondent no. 3, be kept on record.

(Ahsanuddin Amanullah, J)

Prakash/-

AFR/NAFR	AFR
U	

