

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13478 of 2013

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1. Nirmala Thakur Wife of Ravindra Thakur Resident of Mohalla- Vijay Nagar, Ras Bihari Path, Bailey Road, Patna- 14, P.O.- B.V. College, Rupaspur, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Urban Development, Government of Bihar, Patna
2. The Principal Commissioner, Patna Municipal Corporation Having its Office at Maurya Lok Complex, Patna
3. Kishore Kumar Agrawal Son of Late D.P. Agrawal 25 Kasturba Patha, North Krishnapuri, Patna
4. Santosh Kumar, Managing Director, S.S. Bose Construction Private Ltd., 201, Kamta Kutir Apartment, Nageshwar Colony, Boring Road, Patna- 1
5. The Abhiyanta Grih Nirman Sahkari Samitee Ltd. Patna, through its Secretary, having its Office At A/3, Vijay Nagar, Rukanpura, Bailey Road, Patna- 14, P.O.- B.V. College, P.S.- Rupaspur, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the Respondent/s : Mr. Ajay, Adv.

For the PMC : Mr. Saket Tiwari, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 09-03-2016 Heard Mr. Arun Kumar learned counsel for the petitioner, learned counsel for the State and Mr. Saket Tiwari, learned counsel for the Patna Municipal Corporation.

Although it is argued by Mr. Arun Kumar learned counsel appearing for the petitioner that the private respondents have indulged in construction of the multi storied apartment which is in deviation of the sanctioned map and is contrary to the provisions of the Bihar Municipal Corporation Act (hereinafter referred to as 'the Act') and the rules framed thereunder as well as the bye-laws but there is nothing on record to confirm whether a duly

constituted proceedings have been initiated at the instance of the writ petitioner. The provisions of 'the Act' enables a party aggrieved to register his grievance before the Municipal Commissioner for initiation of a proceeding against owner/builder of any apartment in case the constructions are not found to be in tune with the sanctioned map or in contravention of the statutory provisions but then any such proceeding has to be on the basis of a statutory application so to be filed by the complainant before the Municipal Commissioner enclosing all relevant documents and arraigning the concerned parties therein so that the matter can be disposed of after opportunity of hearing to the affected parties.

In the present case, although Mr. Arun Kumar has tried to refer to some kind of representation preferred by the petitioner present at Annexure-8 but that is merely in the nature of representation without any accompanying documents and without arraigning the necessary parties. In the circumstances no directions can be issued on the prayer so made before this Court and the writ petition is accordingly disposed of. Should the petitioner be so advised, she can take recourse to the statutory procedure so prescribed under 'the Act' and the Rules, as discussed hereinabove.

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(Jyoti Saran, J)