

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11791 of 2016

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Malti Sudan wife of late Mohal Lal Sudan resident of House no. A/54 Lohiya Nagar, Kankarbagh, Housing Colony, P.S. Kankarbagh, Dist. Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Senior Superintendent of Police, Patna.
2. The Municipal Commissioner, Patna Municipal Corporation, Patna.
3. The Executive Officer, Patna Municipal Corporation, Patna.
4. The Executive Engineer, Bankipur Division, Patna Municipal Corporation, Patna.
5. The Estate Officer, Patna Municipal Corporation, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Ojha, Advocate.

For the Respondent/s : Mr. Prasoon Sinha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 26-07-2016

Heard the learned counsel for the petitioner and
counsel for the respondent- Patna Municipal Corporation.

Against determination of lease for breach of the
conditions stipulated therein the writ application has been filed
questioning the legality of the order dated 09.07.2016 passed by the
Municipal Commissioner, Patna Municipal Corporation. It is stated
with reference to diverse pleadings of the writ petition that owing to
forcible occupation of the allotted plot the construction thereon
could not be taken up by the petitioner. He has also filed an
application for mutation of her name in the records of the Municipal
Corporation and also for grant of post facto sanction to the building
which the petitioner has constructed over the plot bearing no. 12/A

located in Mohalla- Rajendra Nagar in the city of Patna.

The rights of the parties are governed by the lease document. The Court finds difficulty in granting the relief to the petitioner. The counsel for the petitioner states that although the petitioner has made diverse representations before the respondent-Municipal Commissioner but she would again make an application/representation ventilating her grievance before the said respondent. He, therefore, seeks permission of the Court to withdraw this writ application enabling the petitioner to ventilate her grievance before the respondent Municipal Commissioner . The writ application is disposed of granting the said liberty.

Needless to observe, if any such representation is filed, the same shall receive due consideration by the respondent – Municipal Commissioner in accordance with law. It would also be open to the petitioner to challenge the legality of the order (Annexure-11) before the Tribunal constituted under Section 329 of the Bihar Municipal Act, 2007, if so advised.

(Kishore Kumar Mandal, J)

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