

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14630 of 2016

1. Birendra Mohan Srivastava Son of Late Ram Das Prasad resident of Flat No. 201, Sita Ram Apartment, Sadhnapuri, Ward No. 14, P.S. Gardanibagh, Town & District Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Government of Bihar, Patna
2. Patna Municipal Corporation, Maurya Lok, Patna, through its Municipal Commissioner
3. The Municipal Commissioner, Patna Municipal Corporation, Maurya Lok, Patna
4. The Vigilance Officer, Patna Municipal Corporation, Maurya Lok, Patna
5. Vikas Kumar Son of Shri Someshwar Lal, Director, Chitra Developers India Marketing Private Limited, 307, Adharshila Complex, South Gandhi Maidan, Patna
6. Mahesh Prasad Singh Chauhan resident of Dev Niwas, Sadhanapuri, Road No. 6, Gardanibagh, Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi
For the State Mr. Arun Kumar
For the PMC Mr; Prabhat Kumar,
AC to Mr. Prasoon Sinha

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT
Date: 09-09-2016

Heard the counsel for the petitioner, the State and Mr. Prabhat Kumar for the Patna Municipal Corporation.

Respondent no.6 filed a writ petition in this Court alleging serious illegality committed by respondent no.5 in constructing the building/apartment. The said writ petition was disposed of permitting him to file a vigilance proceeding before the respondent Patna Municipal Corporation. A proceeding was filed by respondent no.6 before the Municipal Commissioner of the Corporation which was registered as Vigilance Case No. 56B of 2011. From various orders passed therein, it appears that the matter is under consideration of

the said respondent. It is stated that an intervention application (Annexure-6) was also filed by the petitioner on 16.04.2016 for allowing him to intervene in the proceeding. No one can be allowed to intervene in the proceeding to support the complainant. Any such intervention should be filed to oppose the case. It is submitted that the said intervention petition has not been taken cognizance of by the Municipal Commissioner. A direction be issued to consider the pending intervention application filed by the petitioner in the said proceeding.

This Court would observe that if the petitioner presses his application before the respondent Municipal Commissioner, the same shall be examined/considered by the said respondent in accordance with law while disposing of the pending Vigilance Case No. 55B of 2011.

Mr. Samdarsi has pointed out that the said vigilance proceeding is pending on the file of the Municipal Commissioner since 2011. It is expected the said proceeding is concluded by the said respondent as quickly as possible preferably within four months from the date of receipt/ production of a copy of this order.

(Kishore Kumar Mandal, J)

HR/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	.09.2016
Transmission Date	