

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4744 of 2015

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Pramod Kumar Jha, Son of Late Yogendra Jha, Resident of Mohalla -
Balbhadrapur, Ward No. 47, Police Station - Laheriasarai, District -
Darbhanga.

.... Petitioner/s

Versus

1. Darbhanga Municipal Corporation Darbhanga through its
Commissioner.
2. Municipal Commissioner, Darbhanga Municipal Corporation,
Darbhanga.
3. Chief Municipal Officer, Darbhanga Municipal Corporation,
Darbhanga.
4. Mostt. Fool Dai, Wife of Late Kalikant Jha resident of Mohalla -
Balbhadrapur, Ward No. 47, Police Station - Laheriasarai, District -
Darbhanga.
5. Captain Dinkar Jha
6. Barun Kumar Jha Both Sons of Late Kalikant Jha resident of Mohalla
- Balbhadrapur, Ward No. 47, Police Station - Laheriasarai, District -
Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Baidya Nath Thakur

For the Respondent/s : Mr. Bindhyachal Rai

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 12-04-2016 Learned counsel is permitted to delete the prayer made

at paragraphs- (iii) of the writ petition during the course of the

day. He however would be at liberty to question the same in an

appropriate proceeding by filing an appropriate application.

Re: CWJC No.4744 of 2015

Heard Mr. Baidyanath Thakur learned counsel
appearing for the petitioner and Mr. Bindhyachal Rai learned
counsel appearing for the Darbhanga Municipal Corporation.

Although wild allegation have been made by the



petitioner regarding illegal construction by the respondent no.4 to 6 and for which he relies upon the communication issued under the signature of the Municipal Commissioner Darbhanga Municipal Corporation directing the late husband of the respondent no.4 and the father of the respondent nos. 5 and 6 to restrain himself from making illegal construction but there is nothing on record to substantiate whether the grievance raised herein by the petitioner has translated into a statutory complaint. In fact, the very reliance by the petitioner on the proceeding of Land Dispute Resolution Case no. 849 of 2013 which relief stands deleted by the order passed clearly reflects an in-house property dispute. May be the complaint of the petitioner is correct and may be the respondent no. 4 to 6 are indulging in illegal constructions but for that the petitioner has to raise a valid grievance by filing a proper application enclosing relevant document supporting the allegation and arraigning the relevant parties therein.

I am afraid in absence of completion of such statutory obligation for initiating legal action, no directions can be issued.

The writ petition is disposed of.

(Jyoti Saran, J)

siddharth/Deepika-

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