

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4315 of 2009

Shashi Bhushan Sinha son of Sri Chandrika Prasad, Director Pawan Putra Homes Pvt. Ltd. Ground Floor, Arvina Apartment Nageshwar Colony, Patna
..... Petitioner/s

Versus

1. The Patna Municipal Corporation through its Municipal Corporation, Patna
2. The Vigilance Officer, Patna Municipal Corporation, Patna
3. The Executive Engineer, Division-C, Patna Municipal Corporation, Maurya Lok Complex Block-C, P.S. Kotwali, Patna
..... Respondent/s

Appearance :

For the Petitioner/s : Mr. JAI RAM SINGH
For the Respondent/s : Mr. BISHWA BIBHUTI KR.SINGH
Mr. Nikesh Kumar
Mr. Prasoon Sinha

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT
Date: 18-07-2016

Heard both sides.

The petitioner is aggrieved by the imposition of penalty by the Municipal Commissioner, Patna Municipal Corporation in a vigilance case.

Indisputably, the said order can be challenged before the Municipal Building Tribunal, as provided under section 329 of the Bihar Municipal Act, 2007.

The respondent, on instruction, submits that the said Tribunal is now functional.

As the petitioner has statutory remedy available to him, I am not persuaded to invoke my extraordinary and discretionary writ jurisdiction. The petitioner, if so advised, may assail the order before

the Tribunal in accordance with law. The petitioner shall also be at liberty to seek condonation of delay on the ground that he had been pursuing his remedy before this Court.

The writ application stands disposed of with the aforesaid observation.

(Kishore Kumar Mandal, J)

HR/-

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