

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.1735 of 2012**

**IN**

**Civil Writ Jurisdiction Case No. 869 of 2012**

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Binda Devi, W/O Late Mahendra Choubey, resident of Mohalla Uma Nagar, Mauza - Pakari, P.O. - Chandwa, P.S. - Arrah Nawada, District – Arrah.

.... .... Petitioner- Appellant

Versus

1. The Arrah Municipality Corporation through its Commissioner, Arrah Municipal Corporation, Arrah, District - Bhojpur At Arrah.
2. The Municipal Commissioner, Arrah Municipal Corporation, Arrah, District - Bhojpur At Arrah.
3. The Executive Officer, Arrah Municipal Corporation, Arrah, District - Bhojpur At Arrah
4. Suraj Pandey, son of Late Rampukar Pandey, resident of mohalla Uma Nagar, Mauza - Pakari, P.O. - Chandwa, P.S. - Arrah Nawada, District – Arrah.

.... .... Respondents-Respondents

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**Appearance :**

For the Appellant : Mr. Manoj Kumar Singh, Advocate

For the Respondent No.4 : Mr. Arun Kumar Singh No.4, Advocate

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**CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA**

**And**

**HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)**

**Date: 26-02-2016**

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 13<sup>th</sup> February, 2012 whereby the writ petition filed by the appellant against the rejection of her complaint against the construction being raised by respondent No.4 was dismissed.

The learned Single Bench has found that in an enquiry conducted, the Municipal Commissioner came to the conclusion that respondent No.4 is in possession of the land in question and has got the map sanctioned before construction on his raiyati land. It

was also noticed that first floor was being constructed without sanctioned plan, therefore, the construction of first floor was stayed.

The appellant is a neighbour of respondent No.4. The construction, which was not sanctioned, has not been permitted to be carried out. Therefore, we find that the appellant cannot have possibly any subsisting grievance in respect of an order passed by the learned Single Judge which may warrant interference in the present Letters Patent Appeal.

The Letters Patent Appeal thus stands dismissed.

**(Hemant Gupta, J)**

**(Navaniti Prasad Singh, J)**

Sunil/-

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