

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2951 of 2014

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Yogendra Prasad Sahoo, Son of Late Ganga Sahoo, Resident of Dr. P. Gupta Road,
Police Station- Ratanpur, Post Office and District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Begusarai.
2. The Additional Municipal Commissioner, Begusarai Municipal Corporation, Begusarai.
3. The Excise Superintendent, Begusarai.
4. The Sub Divisional Officer, Sadar, Begusarai.
5. The Officer Incharge, Sahayak Thana, Ratanpur, District- Begusarai.
6. Shyam Narain Sah, Son of Late Mahabir Sah, Resident of Dr. P. Gupta Road, House opposite of Dr. P. Gupta Clinic, Ward No. 34, Police Station- Ratanpur, Post Office and District- Begusarai.
7. Arbind Choudhary, son of Late Raj Kumar Choudhary, Resident of Village- Phulwaria, Police Station- Phulwaria, District- Begusarai.
8. The Superintendent of Police, Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Sinha, Advocate
For the Respondent-State : Mr. Shailendra Kr. Singh, AC to AAG-6
For the Municipal Corporation: Mr. Tej Pratap Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 05-07-2016

Heard Mr. Rajeev Kumar Sinha, learned counsel
appearing for the petitioner, Mr. Shailendra Kumar Singh, learned
Assisting Counsel to Additional Advocate General No.6 for the
State and Mr. Tej Pratap Singh, learned counsel appearing for the
Municipal Corporation, Begusarai.

The petitioner has filed this writ petition praying for a
direction to the Municipal Commissioner, Begusarai to give effect
to his order dated 26.7.2013, whereby the Municipal Commissioner
while issuing direction to the private respondent nos.6 and 7 to



remove the illegal constructions as well as the liquor shops has informed them that on their failure to carry out the orders, necessary steps would be taken by the Corporation in respect of same. The Commissioner has also granted liberty to the petitioner to construct a boundary wall as well as put up a gate thereon. The petitioner has also prayed for appropriate directions to the authorities of the State Government to give him appropriate protection in the construction of the boundary wall and erection of gate.

The matter has remained pending awaiting filing of the counter affidavit by the Corporation and which has since been filed today. The Municipal Commissioner, Begusarai while explaining the reasons for delay in implementation of the order, has assured of taking steps for implementation of his order. It is mentioned that in view of the Panchayat elections no effective steps could be taken for implementation of the order passed by him on 26.7.2013, but would be taken now.

In view of the assurance given by the Municipal Commissioner, the first part of the grievance raised by the petitioner comes to a conclusion.

The second relief prayed by the petitioner is for appropriate direction to the authorities of the State Government including the District Magistrate, Begusarai as well as the Officer

Incharge of Sahayak Police Station, Ratanpur, District- Begusarai to provide him protection in construction of the boundary wall as well as gate.

It goes without saying that in case the petitioner would be facing any difficulty in construction of boundary wall and erection of gate in terms of the liberty granted in the order of the Municipal Commissioner, he shall be at liberty to represent before the District Magistrate, Begusarai with a copy to the Superintendent of Police, Begusarai and the Officer Incharge of the local police station and no sooner such request is made by the petitioner that the District Magistrate, Begusarai, the Superintendent of Police, Begusarai and the Officer Incharge of the local police station would provide supportive assistance to the petitioner for erection of boundary wall and gate.

In the nature of the order passed hereinabove let the Superintendent of Police, Begusarai be added as respondent 8 to the present proceedings during the course of the day.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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CAV DATE	
Uploading Date	12-07-2016
Transmission Date	