

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18347 of 2014

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1. Ashok Kumar Yadav son of Late Roop Narayan Yadav, resident of Mohalla - Ranipur, P.S. Mehdiganj, District - Patna

.... Petitioner/s

Versus

1. The Patna Municipal Corporation, through its Municipal Commissioner, Maurya Lok Complex, Dakbunglow Road, Patna
2. Executive Officer, New Capital Area, Patna
3. Station House Officer, Gandhi Maidan, Police Station, Patna
4. Sandeep Agrawal son of Late Om Prakash Agrawal (Builder) resident of Mohalla - Beni Babu Ka Bagicha, Rajendra Path, Police Station Gandhi Maidan, Patna
5. Debargo Sarkar son of Late Pradeep Sarkar resident of Mohalla - Beni Babu Ka Bagicha, Rajendra Path, Police Station Gandhi Maidan, Patna
6. Bhasmati Sarsar wife of Late Pradeep Sarkar resident of Mohalla - Beni Babu Ka Bagicha, Rajendra Path, Police Station Gandhi Maidan, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Prasad

For the Respondent/s : Mr. Hargovind Singh Himkar

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

6 01-04-2016 With the help of this writ petition, made under Article 226 of the Constitution of India, in the form of Public Interest Litigation, alleges that respondent Nos. 4, 5 and 6 had been constructing a building unauthorisedly and/or in violation of the sanctioned plan and, therefore, a writ be issued to respondent No.1, namely, Patna Municipal Corporation, directing them to initiate a proceeding against illegal construction so being carried out by private respondent.



Respondent Nos.1 and 2 have filed their counter affidavit and submitted to the effect, *inter alia*, that Vigilance Case No.12B of 2016 has been initiated against the private respondents inasmuch as private respondents have been found to have been constructing the building, in question, in violation of the sanctioned plan and that a direction has also been issued, in this regard, to the private respondents to, immediately, stop construction, which they had undertaken.

Heard Mr. Ajay Prasad, learned Counsel, appearing on behalf of the petitioner, and Mr. Prasoon Sinha, learned Counsel, appearing on behalf of respondent Nos.1 to 3. Heard also Mr. Bishwa Bibhuti Kumar Singh, learned Counsel, appearing on behalf of respondent Nos.4 to 6.

In view of the above, this proceeding is closed with direction to the respondent Nos.1 and 2 to ensure that no construction is carried out by the private respondents and/or anyone, within the territorial jurisdiction of Patna Municipal Corporation, unauthorisedly and/or in violation of the relevant sanctioned plan. We also direct respondent No.3, namely, Station House Officer, Gandhi Maidan Police Station, Patna, to provide such assistance to respondent Nos.1 and 2 as may be warranted and permissible in law. We leave the petitioner with liberty to

approach this Court with appropriate application, in future, if the situation so warrants.

(I.A. Ansari, ACJ)

(Anjana Mishra, J)

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