

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23205 of 2011

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Hareesh Jalan, S/O Late Murli Manohar Jalan, Resident of Quila House, P.S. - Chowk, Patna City, District – Patna.

.... Petitioner/s

Versus

1. Municipal Commissioner -Cum- Chief Municipal Officer, Patna Municipal Corporation, Maurya Lok, Patna.
2. Patna Municipal Corporation through Municipal Commissioner, Mauryalok, Patna.
3. Bal Manohar Jalan, S/O Late Hira Lal Jalan.
4. Giriraj Manohar Jalan, S/O Late Hira Lal Jalan.
5. Nikhil Jalan, S/O Late Shyam Manohar Jalan.
6. Yamuna Pd. Mahto, servant Bal Manohar Jalan.

All are residents of Quila House, P.S. - Chowk, Patna City, District – Patna.

7. The State of Bihar, through Principal Secretary, Urban Development.

.... Respondent/s

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With

Miscellaneous Jurisdiction Case No.1009 of 2012

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Hareesh Jalan, S/O Late Murli Manohar Jalan, Resident of Quila House, Patna City, P.S- Chowk, Distt- Patna.

.... Petitioner/s

Versus

1. Municipal Commissioner -cum- Chief Municipal Officer, Patna Municipal Corporation, Maurya Lok, Patna.
2. Patna Municipal Corporation through Municipal Commissioner, Mauryalok, Patna.
3. Bal Manohar Jalan S/O Late Hira Lal Jalan.
4. Giriraj Manohar Jalan, S/O Late Hira Lal Jalan.
5. Nikhil Jalan, S/O Late Shyam Manohar Jalan.
6. Yamuna Pd. Mahto, servant Bal Manohar Jalan.

All are residents of Quila House, P.S- Chowk, Patna, City, District- Patna.

7. The State of Bihar, through Principal Secretary Urban Development, Govt. of Bihar, Patna.

.... Opposite Party/s

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Appearance :

(In CWJC No.23205 of 2011)

For the Petitioner/s	:	Mr. Sandip Kumar Mr. Uday Kumar
For the respondent-State	:	Mr. Dhananjayh Kr. AC to GP-16
For the Respondent-Corporation	:	Mr. Prasoon Sinha
For the private Respondents	:	Mr. Mrigank Mauli Mr. Sanket Mr. Prince Kumar Mishra

(In MJC No.1009 of 2012)

For the Petitioner/s	:	Mr. Sandip Kumar Mr. Uday Kumar
For the Opp. Party-State	:	Mr. Dhananjay Kr., AC to GP-16
For the Corporation	:	Mr. Prasoon Sinha
For the Opp.Party Nos.3 to 6	:	Mr. Mrigank Mauli Mr. Sanket Mr. Prince Kumar Mishra

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

9 31-03-2016

Learned counsel for the parties are present.

The very fact that the Vigilance Case No.38B of 2011 stands disposed of and is now a subject-matter of appeal before the Municipal Tribunal, the order of the Commissioner cannot be permitted to be challenged in a writ jurisdiction. The petitioner is at liberty to raise all issues as raised herein before the tribunal but in view of the undisputed position that the Vigilance Case No.38B of 2011 has since been disposed of finally by the Municipal Commissioner I am not persuaded to keep this writ petition pending.

It is next submitted by Mr. Sandip Kumar, learned counsel appearing for the petitioner that the Tribunal is not functioning at the moment and thus there is no interim protection to the petitioner but in my opinion any cause arising from the final orders passed in the vigilance case cannot be a subject matter of the present proceeding which was filed while the vigilance case were pending. The action complained of by Mr. Sandip Kumar is an independent cause of action and if so advised the petitioner may take recourse to the remedy so available in law.

The writ petition and the contempt application are accordingly disposed of.

(Jyoti Saran, J)

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