

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17307 of 2016

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Ajay Kumar Singh, Son of Surendra Prasad Singh, Resident of Mohalla - Vir
Kunwar Singh Path, Chandmari Road, Kankarbagh, P.S. - Kankarbagh, District -
Patna.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Urban Development Department,
Patna.
2. The Patna Municipal Corporation, Patna through the Municipal Commissioner,
Maurya Lok Complex, Patna.
3. The Municipal Commissioner, Patna Municipal Corporation, Patna, Maurya Lok
Complex, Patna.
4. The District Magistrate, Patna.
5. The Sub-Divisional Officer, Patna Sadar, Patna.
6. The Senior Superintendent of Police, Patna.
7. The Superintendent of Police, City East, Patna.
8. The Officer-in-Charge, Kankarbagh Police Station, Patna.
9. Dr. Ravindra Kumar S/o Late Laxman Prasad, Resident of Mohalla - Vir
Kunwar Singh Path, Chandmari Road, Kankarbagh, P.S. - Kankarbagh, District -
Patna.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Sanjay Singh, Advocate
For the State	:	Mr. Kinkar Kumar, S.C. 9
For the Municipal Corporation	:	Mr. Prasoon Sinha, Advocate
For the respondent no.9	:	Mr. Ranjeet Kumar, Mr. Kundan Kumar, Advocates

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 24-10-2016

Heard parties.

At the outset, learned counsel for the Patna Municipal Corporation, in response to the query made by this Court in the order dated 22.10.2016 has informed that Vigilance Case No.44(B) of 2016 has been registered and stay order has been passed. The respondent

no.9 has been asked to refrain from any further construction.

A counter affidavit has been filed on behalf of the respondent nos.4 and 5. It is stated that in view of the circumstances, an order under Section 107 Cr.P.C. was passed. Thereafter, on 15.10.2016 a proceeding under Section 133 Cr.P.C. has also been instituted in which it is found that several persons including the petitioner have encroached upon the road.

Learned counsel appearing for the respondent no.9 seeks adjournment for filing counter affidavit in this matter as, according to this respondent, the petitioner has constructed the house without any sanction map and has already encroached upon the road.

It goes without saying that it has to be understood that the respondent no.9 would be at liberty to raise his grievance before any competent forum for redressal of his grievance, if any.

However, this writ application is being disposed of, without going into the merit of the case, as the disputed questions cannot be dealt with by this Court and, since it also appears that even the respondent no.9 is also raising his grievance before certain authorities, with a direction to the Patna Municipal Corporation to proceed in the matter in accordance with law and take a decision after granting reasonable opportunity to all the concerned including the respondent no.9. It is further made clear that this order would not

come in way any of the competent authorities to proceed in the matter
but only in accordance with law.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.10.2016
Transmission Date	NA