

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12717 of 2013

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Arjun Pd. Singh S/O Late Kishori Pd. Singh Resident Of Shivam Raj Enclave, 2a,
2nd Floor Monteshwari School Lane, Boring Road, Patna 800001, Ps- Sri
Krishnapuri, District- Patna

.... Petitioner/s

Versus

1. The Patna Muncipal Corporation, Dak Bunglow Road, Maurya Lok Complex,
Ps.- Kotwali, District Patna Through Municipal Commissioner, Patna
2. The Municipal Commissioner, Patna Municipal Corporation, Dak Bunglow
Road, Maurya Lok Complex, P.S- Kotwali, District- Patna
3. The Vigilance Officer, Patna Municipal Corporation Dak Bunglow Road,
Maurya Lok Complex, P.S- Kotwali, District- Patna
4. Sankar Prasad S/O Late Yadunandan Rawut, Resident Of Boring Patliputra
Road, New Patliputra, Ps- Shrikrishnapuri, District- Patna. Director Of M/S
Bhubneshwari Engicon Pvt. Ltd. (Builder Of Said Apartment)
5. Ajay Kumar Singh S/O Late Natuni Prasad Resident Of Kachori Gali, Post
Jhauganj, Patna City, Patna, Director Of M/S Bhubneshwari Engicon Pvt. Ltd.
(Builder Of Said Apartment)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date: 24-04-2017

Heard learned counsels for the petitioner and the
respondents.

The present writ application has been filed for
initiating a vigilance case and for directing to demolish the
unauthorized construction of the building namely, Shivam Raj
Enclave, after a proper enquiry.

It is submitted by learned counsel for the
petitioner that Shivam Raj Apartment was sanctioned vide Plan Case



No. PRN-4-484/05 dated 07.12.2007 for construction of building of G+3 but without the consent of the landlady on 11.06.2009 again revised map of the said building was obtained for G+4 against the provisions of the Bye-laws as well as provision mentioned in Bihar Apartment Act, 2006.

Petitioner is the power of Attorney holder of the land in question for and on behalf of his wife. The petitioner filed an application before the Commissioner, Patna Municipal Corporation, Respondent No. 2 but till date neither the building has been inspected nor any action has been taken. Subsequently, on 12.03.2013, an affidavited petition was filed before Respondent No. 2, as contained in Annexure-1. The petitioner on 26.04.2013 served a legal notice to Respondent No. 2, as contained in Annexure-2, but no action has been taken.

Counsel for the Municipal Corporation submits that, at present, she does not have any instruction whether any action has been taken on the representation of the petitioner or not, but assures that if the representation of the petitioner has not been disposed of, it shall be disposed of within a period of four weeks.

Accordingly, this writ application is disposed of.

It is expected from Respondent No. 2 to look into the matter and dispose of the representation of the petitioner as



contained in Annexure-1. If it is not available, then the petitioner will file fresh representation within a period of two weeks, but if the representation of the petitioner as contained in Annexure-1 is available, then, it is expected from Respondent No. 2 to dispose of the same with a speaking order after giving due opportunity of being heard to the affected persons within a period of four weeks, or, in case of non-availability of the representation, then within four weeks of submission of the such representation.

(Dinesh Kumar Singh, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.05.2017
Transmission Date	NA

