

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.963 of 2016

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Smt. Dhanarajia Devi, wife of Sri Moti Lal Singh, resident of House No.-3, Kailash Enclave, Shivpuri, Police Station- Shashtri Nagar, District- Patna.

.... Petitioner-Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Nagar Vikas Awam Bibhag, Government of Bihar, Patna.
3. The Executive Officer, Danapur Nagar Parishad, Danapur, Bihar.
4. Sri Bijay Kumar, Architect, C.A. No 84/8525, Empanalment No. 09/09-10, Nagar Parishad, Danapur Nizamat, Danapur, Patna.
5. Sri Shailesh Ranjan, Architect, Nagar Parishd, Danapur Nizamat, Danapur, Patna.
6. M/S Nissa Realtors Pvt. Ltd. having Corporate identity no."u 70102 dl ptc 160221", PAN no." AACCN 4833B" and it's registered office C-1/218, New Kundali, New Delhi- 110096, Head office at B-11, JOP Plaza, Sector-18, Noida Gautambudh Nagar, U.P. presently its branch office at Second Floor, Sarkar market Boring Road Crossing, Patna- 800001, Bihar through its Managing Director, Sri Prabhat Kumar Verma S/o Ashok Kumar Verma R/o Village Banni, Post Nagra, District Chhapara, Bihar.

.... Respondents- Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajeev Roy, Advocate

Mr. Shyam Narayan Pandey, Advocate

For the Respondent/s : Mr. Shashi Shekhar Kr. Prasad, AC to PAAG-2

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)



Date: 03-08-2017

Seeking exception to an order dated 01.04.2016 passed by the Writ Court in CWJC No.16676 of 2013; this appeal has been filed under Clause 10 of the Letters Patent.

In the writ petition filed by the petitioner, the prayer made was to issue a direction to the authorities of Nagar Parishad, Danapur to cancel the project map and the approval granted for construction of a multi-storied building to respondent No.6 M/s Nissa Realtors Pvt. Ltd.. The learned Writ Court after going through the averments made in the writ petition took note of the objection raised by the State Government and the Nagar Parishad and held that such individual dispute between the petitioner and the builder cannot be looked into in a writ petition. The remedy lies elsewhere and relegated the petitioner to take recourse to the remedy by approaching the appropriate forum.

Challenging the aforesaid order, this appeal has been filed under Clause 10 of the Letters Patent, but today, during the course of the hearing, an order dated 21.04.2017 passed by the Nagar Parishad, Danapur, is brought to our notice which goes to show that the permission granted to the builder has been cancelled.

In view of the above, now no further indulgence into the matter at the instance of the petitioner is called for once the permission granted by the Nagar Parishad is cancelled.



Accordingly, we dispose of the matter in the light of the aforesaid facts that have come on record. However, legal questions are kept open to be decided at appropriate stage, if required.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
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