

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11992 of 2013

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Md. Shaukat Ali Son Of Late Md. Hashim Resident Of Mohalla - Gangjala, Islamia Chowk, Ward No. 15, P.O. , P.S. Saharsa, District - Saharsa

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Urban Development, Government Of Bihar, Patna
2. The Director, Department Of Urban Development, Government Of Bihar, Patna
3. Chief Municipal Officer, Saharsa Municipal Council, District - Saharsa
4. The Executive Officer, Municipal Council, Saharsa, District - Saharsa
5. The Chief Municipal Health Officer, Municipal Council Saharsa, District - Saharsa
6. The Executive Engineer, Municipal Council Saharsa, District - Saharsa
7. The Circle Officer Of Punjab National Bank , Darbhanga Circle, Darbhanga
8. The Senior Manager Of Punjab National Bank, Saharsa Branch, District - Saharsa
9. The Md. Sayeed Rayeen Son Of Late Md. Bangali Resident Of Mohalla - Gangjala, Islamia Chowk, Ward No. 15, P.O. , P.S. Saharsa, District - Saharsa

.... 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, Mr. Kumar Priya Ranjan, learned counsel for respondent no. 7 and 8, Punjab National Bank, A.C. to G.A. No. 10 on behalf of respondent nos. 1 and 2 and Mr. Sarvesh Chandra Verma for respondent nos. 3 to 6.

The present writ application has been filed for a direction to respondent nos. 3 to 6 to remove the unauthorized structure of the building constructed over the land appertaining to



Khata No. 253, 260, Plot No. 4244, 4243 (old) 214 (New) area of 2375 sq. feet without obtaining due sanction of building plan by the respondent no. 9 from respondent nos. 3 to 6 and further for a direction to respondent nos.1 to 6 to proceed against respondent no. 9 for having made unauthorized construction of building in contravention of building Bye-laws as well as provisions of Bihar Municipal Act. Though a prayer has also been made for stay of shifting of the branch of Punjab National Bank during pendency of the writ application.

Learned counsel for the petitioner submits that he is not pressing the said prayer, at present, is confining his prayer only to the extent of disposal of the representation dated 12.11.2012 as contained in Annexure-1, whereby grievance has been raised with regard to unsanctioned construction being made by respondent no. 9.

Learned counsel for respondent nos. 7 and 8 submits that a counter affidavit has been filed to the effect that the Bank has already been shifted in the house of respondent no. 9 on 10.08.2013.

Since the learned counsel for the petitioner is not pressing the relief against shifting of the bank, hence, this Court is not deliberating on the issue.

Learned counsel for respondent nos. 3 to 6 submits



that the Saharsa Municipal Council will examine the grievances of the petitioner in the light of Annexure-1 and 2 and dispose of the same with speaking order after giving due opportunity of being heard to all the affected persons, within a period of four weeks.

Accordingly, this application is disposed of.

It is expected from respondent nos. 3 and 4 to dispose of the representation of the petitioner and take the issue to its logical conclusion within a period of four weeks from the date of receipt/production of a copy of this order.

(Dinesh Kumar Singh, J)

DKS/-

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

