

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3267 of 2016

=====

Manish Kumar, son of Late Arjun Chaudhary, Resident of Mohalla- Kanhauli, P.S.-
Mithanpura, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department,
Government of Bihar, Patna.
3. The Joint Secretary, Urban Development and Housing Department, Government
of Bihar, Patna.
4. The Commissioner, Tirhut Division, Muzaffarpur.
5. The District Magistrate, Muzaffarpur.
6. The Muzaffarpur Municipal Corporation, Muzaffarpur, through the Municipal
Commissioner.
7. Bharti Infra Tel Limited through the Territory Manager Alankar Business Centre,
2nd Floor, East Boring Canal Road, Patna.
8. Pawan Chaudhary, Son of Late Ramchandra Chaudhary, Resident of Mohalla
Kanhauli, P.S.- Mithanpura, District- Muzaffarpur.
9. Union of India through Secretary Department of Telecommunication New Delhi.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate
For the Union of India : Mrs. Nivedita Nirvikar, C.G.C.
For the State : Mr. S.D. yadav AAG-IX

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT



(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 24-07-2017

Inter alia contending that Respondent No. 7 has installed a mobile tower in the residential plot of Respondent No. 8 in violation to the requirement of law, this writ petition has been filed in public interest.

On notice being issued, Respondent No. 6 the Municipal Commissioner, Muzaffarpur has filed a counter affidavit and in Paragraph 11 it is indicated that based on the report received from the Municipal Engineer concerned with regard to the tower in question, a notice was issued to Respondent No. 7 vide Memo No. 2319 dated 03.05.2017 and a show-cause notice was also issued to them. They submitted their show-cause on 12.05.2017 and thereafter it has been informed that challenging the statutory provision Respondent No. 7 has already filed C.W.J.C. No. 3300 of 2013 before this Court which was pending and when action was taken by the Municipal Corporation on 3.5.2017 this was also challenged and on 21.12.2015 in the said writ petition an interim order has been passed restraining the authorities from taking coercive action in the matter against Respondent No. 7.

Now, in view of the action already taken by Respondent No. 6 and the fact that the issue is subjudice in C.W.J.C. No. 3300 of



2013, wherein certain interim protection has been granted by a Bench of this Court, no further indulgence into the matter can be made in this Public Interest Litigation. Petitioner may invoke the jurisdiction of this Court again after C.W.J.C. No. 3300 of 2013 is disposed of by the Bench.

With the aforesaid liberty, the writ petition stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	25.07.2017
Transmission Date	

