

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3151 of 2015

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Syed Ainul Alam son of Syed Izhar Alam, presently residing at Pujan Niwas, Raushan Lal Co-operative Colony , Harnichak, Anishbad , Patna- 800002, P.S. Gardanibagh, District- Patna and permanent resident of 'Alam Place' 422, Adda Road, Sasaram-821115, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar represented through the Secretary, Urban Development and Housing Department, Government of Bihar, Patna
2. The District Magistrate, Sasaram (Rohtas).
3. The Sub Divisional Officer, Sasaram (Rohtas).
4. The Sasaram Municipality represented through its Executive Officer.
5. Ghanaur Rahman@ Qaisar Rahman son of Late Azizur Rahman, resident of Mohalla- Bara Sheikhpura, P.O. and P.S. - Sasaram Town (Rohtas) , District- Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kumar Ravish, Advocate
	:	Mr. Kashyap Kaushal, Advocate
For the Respondent no.5	:	Mr. Prabhakar Jha, Advocate
For the Respondent no.4	:	Mr. Vijay Shankar Upadhyay, Advocate
For the State	:	Mr. Raghwanand, G.A.-11
	:	Mr. Kamaldeo Sharma, A.C. to G.A.-11

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 08-12-2017

In the present writ petition, the petitioner has raised issue of illegal construction without any sanction building plan at the hands of private respondent and sought for an enquiry at the hands of the authority of Sasaram Municipality.

2. It is submitted by the learned counsel for the petitioner that the Sasaram Nagar Parishad has issued show cause notice to the private respondent with respect to construction raised by him by letter



no.403 dated 28.02.2015. Subsequently, the Executive Officer, Nagar Parishad, Sasaram vide his letter no.4109 dated 19.11.2014 issued notice upon the private respondent to file his response within three days failing which a fine of rupees fifty thousand was threatened be imposed by the authority. The grievance of the petitioner is that despite the aforesaid notice, the Nagar Parishad has not concluded the proceeding against the private respondent by passing any final order and the respondents are sitting tight over the matter.

3. On the other hand, learned counsel appearing for the private respondent (respondent no.5) submitted that the construction erected by the private respondent is in accordance with law without causing violation to the provisions of the Municipal Act, 2007. He submitted that the land of the private respondent is situated at Plot Nos.183 and 184 (old)- 281 and 282 (new) in Mohalla- Chanwar Takia, Ward No.13 in Sasaram Town and he has no objection if any enquiry is initiated against him as per law.

4. Having regard to the nature of dispute raised, the writ petition is disposed of with direction to the respondent Executive Officer, Sasaram Nagar Parishad to hold an enquiry into the complaint made by the petitioner in accordance with law after hearing both the parties and decide the same as early as possible preferably within a period of four months from the date of receipt/production of a copy of



the order.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13.12.2017
Transmission Date	-----

