

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 3897 of 2017

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Col. Vijoy Kumar Singh, Son of Late Hari Nandan Singh, Resident of Flat No. 3,
Saurabh Extension Apartment, P.S. -Shastri Nagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Bihar, Patna.
2. Municipal Commissioner, Patna Municipal Corporation, Bihar, Patna.
3. Shri Amarendra Dayal Singh, Son of Late Din Dayal Singh, Managing Director, Artech Engineers and Construction Private Ltd, resident of G-01 , Friends Vatika Apartment, Hari Shanker Verma Lane, Boring Patliputra Road, District- Patna.
4. Abhimanyu Singh (I.A.S Retired), Son of Late Hari Nandan Singh, Resident of Roshna Bhawan, P.S. Kadamkuan, District -Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava, Advocate
For the PMC	:	Mr. Yashraj Bardhan, Advocate
For the State	:	Mr. Zaki Haider, A.C. to S.C. 4
For the Respondent No. 3	:	Mr. Surendra Kumar Singh and Mr. Jitendra Kumar Singh, Advocates

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 29-06-2017

Heard learned counsel for the petitioner, State, for the
Patna Municipal Corporation and respondents no. 3 and 4.

2. The petitioner has moved the Court for the following
reliefs:

*“(i) Issuance of a direction, order or writ,
including writ in the nature of certiorari quashing the
order dated 10.02.2017 passed by the Municipal
Building Tribunal, Patna, by which the intervention
application filed by the present petitioner in Appeal
No. 7(N)/2016 before the Learned Court of Municipal
Building Tribunal has been rejected in the most
unreasonable and arbitrary manner;*

*(ii) Issuance of a direction, order or writ,
including writ in the nature of mandamus*



commanding the concerned respondent authorities under the aforesaid Tribunal to allow the petitioner to be impleaded as a party respondent in the connected Appeal No. 7(N)/2016 pending before the Tribunal and enable him to oppose the said appeal;

(iii) Issuance of an ad interim order of stay against the proceedings under the Appeal No. 7(N)/2016 before the Learned Court of Municipal Building Tribunal during the pendency of the instant writ petition;

(iv) Any other relief/reliefs that the petitioner may be found to be entitled to in the facts and circumstances of the present case.”

3. Learned counsel for the petitioner submitted that on his complaint, proceeding had been initiated and an order came to be passed against the respondents no. 4 and 5, who in appeal filed by them before the Municipal Building Tribunal, Patna (hereinafter referred to as the ‘Tribunal’), he was not made a party which made him file a petition for intervention and the same has been rejected by the impugned order. It was submitted that once the petitioner was heard in the original case in which the order was passed which is under appeal before the Tribunal, he is a necessary party and was required to be made a party by the respondents no. 4 and 5 themselves before the Tribunal but the same not having been done; the petitioner moving an application for intervention was required to be allowed which has wrongly been rejected.

4. Learned counsel for the respondents no. 3 and 4, on the basis of facts, contended that it was only on account of a Public



Interest Litigation, a proceeding was started in which there was no role of the petitioner and thus, the matter being between the respondents no. 3 and 4 and the Patna Municipal Corporation, the petitioner is not required to be made a party. However, it was submitted that since the case of the respondents no. 3 and 4 is genuine, without accepting the necessity of the petitioner being made a party, only by way of a grace, they are ready to the petitioner being made a party in Appeal No. 7 (N) of 2016, which is pending before the Tribunal. It was submitted that the said appeal be directed to be disposed off within a short period.

5. Learned counsel for the petitioner agrees to such proposition.

6. In view of the consensus between the parties, as indicated above, the writ petition stands disposed off with a direction that the petitioner and respondents no. 3 and 4 shall appear before the Tribunal on 10th July, 2017 at 3.00 P.M. On that day, the Tribunal shall fix the next date, which shall be short, and the matter shall proceed so that the appeal itself is finally disposed off expeditiously and in any case latest by 21st of August, 2017.

(Ahsanuddin Amanullah, J.)

P. Kumar

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