

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18223 of 2016

=====

Ranjeet Kumar son of Late Sita Ram Prasad, resident of Mohalla- Atardah, Kachi-Pakki Road near Royal School, Ward No.31, Post- Ramna, P.S.-Sadar Thana, District- Muzaffarpur, Pin- 842002, Bihar

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Patna
2. Muzaffarpur Municipal Corporation through the Municipal Commissioner, Muzaffarpur
3. The Municipal Commissioner, Municipal Corporation, Muzaffarpur
4. The S.S.P., Muzaffarpur
5. The S.H.O., Sadar Police Station, Muzaffarpur
6. Sri Ranjan Singh son of Late Shiv Bachan Singh, Resident of Mohalla-Atardah, Kachi-Pakki Road near Royal School, Post- Ramna, P.S.-Sadar Thana, District- Muzaffarpur, Pin- 842002, Bihar

.... Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Kumar Kaushlendra, Advocate
	:	Mr. Ashok Kumar Singh, Advocate
	:	Mr. Sunit Kumar, Advocate
For the Corporation	:	Mr. Gyan Prakash Ojha, Advocate
For the Respondent No.6:	:	Mr. Manish Chandra Gandhi, Advocate
For the State	:	Mr. Ranjay Kumar Singh, A.C. to S.C.-6

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 08-12-2017

The writ petition has been filed by the petitioner for direction to the respondents to institute appropriate proceeding against the construction of multi storied building of respondent no.6 and further direction to the respondent Corporation to stop such construction.

2. It is submitted by the learned counsel for petitioner that in the month of February, 2016, respondent no.6 started demolition of old structure on Khesra No.55, Khata No.34 situated in Mohalla-



Atardah, Post- Ramna, P.S., Town, Thana and District- Muzaffarpur just adjacent to the house of the petitioner. Thereafter, the respondent no.6 with the help of JCB machine started digging soil for construction of multi storied building. The work undertaken by respondent no.6 was without getting any plan sanctioned from the appropriate authority. He submitted that due to the above illegal construction by respondent no.6 has put the existing house of the petitioner in a dangerous condition. He submitted that the petitioner raised his grievance before the Municipal Commissioner, Muzaffarpur along with others for taking immediate action against the ongoing illegal construction by respondent no.6 vide representation dated 03.02.2016, but no action has been taken by the respondent Municipal Corporation.

3. On the contrary, learned counsel appearing for the Municipal Corporation, Muzaffarpur submitted that after receiving representation of the petitioner notice has been issued to respondent no.6 and Case N0.07 of 2016 has been initiated against him. He submitted that an enquiry report was also called for from the local Amin which has already been received and action is being taken in respect of the complaint made by the petitioner.

4. Learned counsel appearing for respondent no.6, however, submitted that the construction over the plot in question is being made



after taking due approval and sanction from the Municipal Corporation. He submitted that a malicious and misleading complaint was filed against respondent no.6 pursuant to which an order for stoppage of construction has been passed.

5. Having regard to the nature of dispute, the writ petition is disposed of with a direction to the respondents no.2 and 3 to conclude the ongoing proceeding of Case No.07 of 2016 within a period of three months from the date of receipt/communication of a copy of this order after giving adequate opportunity of hearing to the parties and pass appropriate order in accordance with the statutory provisions of the Bihar Municipal Act, 2007.

(Ashwani Kumar Singh, J)

Md.S./-

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

