

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8409 of 2017

=====

Abhay Kumar Singh son of Late Binod Kumar Singh, Resident of Village -
Amnour Kalyan, P.S. - Amnour, District - Saran.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development,
Government of Bihar.
2. The Principal Secretary, Urban Development, Government of Bihar, Patna.
3. The Patna Municipal Corporation through its Commissioner, Maurya Lok, Patna.
4. The Commissioner, Patna Municipal Corporation, Maurya Lok, Patna.
5. The I.G. Registration, Patna.
6. The District Sub Registrar 4, Patna.
7. Sri Rajesh Kumar son of Jai Prakash Singh, Builder Partner of M/s R.R. Builder,
Resident of 122 A, Ashiana Nagar Phase - 1, P.S.- Rajiv Nagar, District- Patna.
8. Sri Rakesh Kumar Ranjan (Certified Architect) COA Registration No.
CA/2005/35047, Patna Municipal Corporation, Maurya Lok, Patna.
9. Smt. Manju Devi wife of Sanjay Kumar Singh, Resident of Magadh Vihar,
Behind Bishnu Niwas, Tahir Lane, Road No. 16/10, Gardanibagh, P.S.-
Gardanibagh, District - Patna.
10. Sri Sanjay Singh son of Late Jung Bahadur Singh, Resident of Magadh Vihar,
Behind Bishnu Niwas, Tahir Lane, Road No. 16/10, Gardanibagh, P.S. –
Gardanibagh, District - Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Avinash Shekhar

For the Respondent/s : Mr. Abbas Haidar-S.C.-6

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 02-01-2018

This writ application has been filed by the petitioner for the
following reliefs:-

*“(i) To issue an appropriate writ, order or direction
commanding the Respondent no.3 to declare the
residential structure built in the ground floor
basement of the building of Vishnu Niwas, Tahir
Lane, Gardanibagh as illegal, unauthorized and as*



a result it may be ordered to be removed forthwith as the same is against the provisions of building byelaws and also the Patna Municipal Corporation Act.

- (ii) To issue further appropriate writ, order or direction declaring all the deeds executed by the Builder in favour of Manju Devi with respect to the ground floor Residential structure and the garage as illegal, unauthorized and demolishable.*
- (iii) To issue further appropriate writ, order or direction restraining the Respondent 2nd Set from using the ground floor structure and garage portion during the pendency of this writ application.*
- (iv) This Hon'ble Court may award the cost of litigation and suitable compensation to the Petitioner for the loss and damages caused not only to the petitioner but to all occupants of the apartment, on account of the illegal and arbitrary actions of the respondents.*
- (v) To grant any other relief or reliefs which the Petitioner may be found entitled to in the facts and circumstances of the case. ”*

2. It would be manifest from the pleadings of the petitioner that the petitioner has challenged unauthorized construction made by the builder (respondent no.7) over ground floor/basement of Vishnu Niwas, Tahir Lane, Gardanibagh, Patna and execution of sale deeds



made by the builder in favour of Manju Devi.

3. Under Section 323 of the Bihar Municipal Act, 2007, the Chief Municipal Commissioner, Patna Municipal Corporation, Patna is the competent authority to hear and decide all complaints made by the petitioner.

4. In view of availability of equally efficacious statutory remedy to the petitioner, I am not inclined to entertain the present writ application.

5. Accordingly, the writ application is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	03.01.2018
Transmission Date	N/A

