

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6479 of 2015

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Rajendra Prasad son of Late Butan Sah resident of village Daudpur, P.S. Danapur,
District Patna at present resident at Rajendra Path, P.S. Kadamkuan, District Patna.

.... Petitioner

Versus

1. The Patna Municipal Corporation through Municipal Commissioner, P.M.C. Patna.
2. The Commissioner, Patna Municipal Corporation Patna.
3. The Vigilance Officer, Patna Municipal Corporation, Patna.
4. The Executive Engineer, Bankipore Division Patna Municipal Corporation, Patna.
5. The Assistant Engineer, Bankipore Division Patna Municipal Corporation, Patna.
6. The Junior Engineer, Bankipore Division, Patna Municipal Corporation, Patna.
7. Sri Ram Prasad Ojha Son of Late Ram Rajeshwar Prasad Ojha, resident of Mohalla Pirmuhani, P.S. Kadamkuan, District Patna.
8. Sri Ram Krishna Prasad Ojha.
9. Sri Gopi Krishna Prasad Ojha
Both sons of Sri Ram Prasad Ojha, Both residents of Mohalla Pirmuhani, P.S. Kadamkuan, District Patna.
10. M/S Ambition Homes Private Limited, registered office situated behind Narayan Plaza, Exhibition Road, P.S. Gandhi Maidan District Patna through its Directors namely Sri Dilip Kumar Mittal and Sri Rakesh Kumar Agrawal (as stated below).
11. Shri Dilip Kumar Mittal son of Shri Prayag Chand Mittal, resident of Mittal Sadan, East Boring Canal Road, P.S. Budha Colony, Dist. Patna.
12. Shri Rakesh Kumar Agrawal son of Ram Narayan Agrawal, resident of B-303, Bansal Tower, R.K. Bhattacharya Road, P.S. Gandhi Maidan District Patna.

.... Respondents

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Appearance :

For the Petitioner/s : None
For PMC : Mr. Prasoon Sinha, Advocate
For the Respondent : Mr. Hargovind Singh Himkar

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 27-08-2018

On calls, no one appears for the petitioner. Learned
counsel for respondent-Patna Municipal Corporation is present.

2. This writ petition has been filed by the petitioner raising
a grievance against respondent Patna Municipal Corporation that



despite an application filed by the petitioner regarding an unauthorized and illegal construction of an apartment by respondent no.10 on the plot of respondent nos. 7 to 9 (landholders) situated at Rajendra Path, Kadamkuan on the basis of a development agreement between the landholders and the builder, vigilance case has not been instituted.

3. It has been submitted by the learned counsel appearing for the Patna Municipal Corporation that the contention of the petitioner is not correct. Vigilance Case No. 6B/2015 has already been instituted against respondent nos. 7 to 10 on the basis of the complaint of the petitioner.

4. In this regard, he has drawn my attention towards para-4 of the counter-affidavit filed on behalf of the respondent nos. 1 to 6, which reads as under:-

“4.That it is humbly stated that Vigilance case no. 6B/2015 has already been instituted against respondent no. 7 to 9 and 10 on the basis of the complaint of the petitioner. It is further stated that after receiving the complaint of the petitioner, the Vigilance Officer of PMC by his letter no. 1228 dated 05.11.2014 had directed for conducting an enquiry and submit report. Accordingly in compliance of the aforesaid directions of the Vigilance Officer enquiry report (Site Verification Reort) was submitted after



conducting the enquiry with respect to the construction in question which has been annexed by the petitioner as Annexure-5 to the Writ Petition. So far the Annexure-6 to the Writ Petition is concerned it is stated that letter no. 2513 dated 03.02.2015 written under the signature of the Executive Engineer, Bankipur Division of the PMC to the Vigilance Officer of PMC mentioning therein about the submissions the enquiry report in compliance of the letter dated 1228 dated 05.11.2014 issued by the Vigilance Officer.”

5. In view of the submissions made by the learned counsel for the respondent Patna Municipal Corporation and stand taken by the respondents, I find no merit in the writ petition. It is dismissed, accordingly.

(Ashwani Kumar Singh, J)

Kanchan/SkSuman.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.08.2018
Transmission Date	NA

