

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.709 of 2017

In
Civil Writ Jurisdiction Case No.14597 of 2016

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1. Munmun Kumari w/o Shri Rakesh residing at behind Tulsi Apartment Govind Mitra Road, PS Kadamkuan, Patna.
 2. Punam Kumari w/o Shri Binod Kumar residing at 8E/138 Bahadurpur Housing Colony, PS Agamkuan, District Patna.
 3. Raj Kumar Prasad s/o Shri Ramji Prasad Maurya residing at Maurya Vihar Colony, Kumharar, PS Agamkuan, Patna.
 4. Vivek Kumar @ Vikash Kumar s/o Late Braj Kishore Prasad residing at Braj Tower, Kumharar, PS Agamkuan, District Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Housing and Urban Development, Government of Bihar, Patna.
2. The Principal Secretary, Department of Housing and Urban Development, Government of Bihar, Patna.
3. The Principal Secretary, Department of Land Acquisition Government of Bihar, Patna.
4. The District Magistrate, Patna.
5. The District Land Acquisition Officer, Patna.
6. The Sub Divisional Officer, Patna City, Patna.
7. The Senior Superintendent of Police, Patna.
8. The State Housing Officer, AgamKuan Police Station, Patna.
9. The Patna Municipal Corporation through the Municipal Commissioner, Patna.
10. The Municipal Commissioner, Patna Municipal Corporation, Patna.
11. The Estate Officer, Patna Municipal Corporation, Patna.
12. The Director, Urban Planning Section, Patna Municipal Corporation, Patna.
13. The Executive Officer, Kankarbagh Circle, Patna Municipal Corporation, Patna.
14. The Executive Engineer, Kankarbagh Division, Patna Municipal Corporation, Patna.
15. Ajay Kumar s/o Shri Nagarmal Bajoriya residing at Jayneet House, S.P. Verma Road, PS Gandhi Maidan, Town & District Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Y. V. Giri Sr. Advocate Mr. Nikhil Kumar Agrawal Advocate Ms. Aditi Hansaria Advocate
For the Respondent/s	:	Mr. Yogendra Prasad Sinha A.A.G. - 7 Mr. R. S. Singh AC to A.A.G. - 7
For the PMC	:	Mr. Prasoon Sinha



For the Private-respondent : Advocate
Mr. Kumar Ravish
Advocate

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

8 26-04-2018 Heard learned senior counsel for the appellants, counsel for the Municipal Corporation as well as counsel appearing on behalf of the private-respondent.

Without getting into the arguments made on behalf of the appellants, whether a vigilance case is at all maintainable with regard to the nature of the dispute, is a matter, which can be assailed and challenged before an appropriate authority. That matter is not required to be answered or adjudicated in the present appeal.

The order of stay, dated 28.07.2017, passed by the Court will lose its effect, now.

The apprehension of the appellant of any coercive action by the corporation is misplaced for the reason that so long as the issue is not adjudicated and decided, the corporation may not have an occasion to act unilaterally.

The above observation does not mean that the appellant will not cooperate in adjudication before the forum, as it is not an absolute order of stay granted in their favour.



Appeal stands disposed off, accordingly.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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