

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1850 of 2014

IN

Civil Writ Jurisdiction Case No. 23652 of 2013

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Ranjeet Kumar son of late Ramanuj Prasad Singh, resident of Kadam Kuan, Justice
B.N. Rai Road, P.S. Kadam Kuan in the District of Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Dr. S. Sidhart son of not known to the petitioner, the Principal Secretary, Urban Development Department, Government of Bihar, Patna.
2. Mr. Dr. S. Sidhart, son of not known to the petitioner, the Principal Secretary, Urban Development Department, Government of Bihar, Patna.
3. Mr. Hukum Singh Mina, son of not known to the petitioner, the Registrar, Co-Operative Societies, Patna, Bihar.
4. Mr. Kuldip Narayan son of not known to the petitioner, the Administrator, Patna Municipal Corporation, Patna.
5. The Nagar Parishad, Phulwari Sharif through the Binod Kumar, son of not known to the petitioner its Executive Officer.
6. Mr. Binod Kumar, son of not known to the petitioner, the Executive Officer, Nagar Parishad, Phulwarisharif.

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 15348 of 2017

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1. Saran Vihar Apartment, Purnendu Nagar, Phulwarisharif, P.O. & P.S.- Phulwarisharif, District- Patna, through its Developer, Arun Kumar, Son of Sri Prabhat Kumar, Resident of Gulamehia Bagh, P.O.- Kachhi Dargah, P.S.- Didarganj, District- Patna.
 2. Shabnam Kumari, Wife of Sunil Prakash Tiwari, Resident of Om Nirmalya Apartment, Flat No. G (202), Block-A, Nageshwar Colony, Boring Road, District- Patna.

.... Petitioner/s

Versus



- 1. The State of Bihar through the Principal Secretary, Urban Development Department, Government of Bihar, Patna.
- 2. Nagar Parishad, Phulwarisharif, Patna, Sadar Colony, Maulana Azad Nagar, Phulwarisharif, Patna, Bihar 801505 through its Administrator.
- 3. The Nagar Executive Officer, Nagar Parishad, Phulwarisharif, Patna.

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 16144 of 2017

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Niranjan Singh @ Anjani Kumar, age about 48 years, S/o Late Bhola Prasad Singh, R/o Laxmi Enclave @ Laxmi Niwas, Purnendu Nagar, Phulwarisharif, District- Patna.

.... Petitioner/s

Versus

- 1. The Nagar Parishad Phulwarisharif, Patna Through Its Executive officer, Nagar Parishad Phulwarisharif, Patna, District- Patna.
- 2. The Executive Officer, Nagar Parishad Phulwarisharif, Patna, District- Patna.

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 16234 of 2017

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Indu Bhushan Pathak, S/o Raghunandan Shahay Pathak resident of Village+ Post- Bodama Bazar, District- Hagaribagh (Jharkhand).

.... Petitioner/s

Versus

- 1. The Nagar Parishad Phulwarisharif, Patna Through Its Executive officer, Nagar Parishad Phulwarisharif, Patna, District- Patna.
- 2. The Executive Officer, Nagar Parishad Phulwarisharif, Patna, District- Patna.

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 16055 of 2017



Shah Raza, S/o Anwar Ali Khan Partner of Y.K. Home Solutions Resident of Samanpura, Post- B.V. College, P.S.- Shastri Nagar, Raja Bazar, Patna- 800014, District- Patna.

.... Petitioner/s

Versus

1. The Nagar Parishad Phulwarisharif, Patna, through its Executive Officer, Nagar Parishad Phulwarisharif, Patna, District- Patna.
2. The Executive Officer, Nagar Parishad Phulwarisharif, Patna, District- Patna.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 16014 of 2017

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Kamalesh Kumar Singh S/o Sri Bhagwan Singh Managing Director M/S Aparna Architect and Engicons Pvt. Ltd. having its office at Hotel Ambassador (behind ICICI ATM) Rajendra Path, Patna, District - Patna.

.... Petitioner/s

Versus

1. The Nagar Parishad Phulwarisharif, Patna through its Executive officer, Nagar Parishad Phulwarisharif, Patna, District Patna.
2. The Executive Officer, Nagar Parishad, Phulwarisharif, Patna, District Patna.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 14840 of 2017

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Nigaree Builder And Developers Private Limited, having its Registered Office at Pathal Kudwa Chowk, P.S.- Lower Bazar, District- Ranchi- 83400, Jharkhand, through its Managing Director namely Naushad Alam, Son of Mr. Adalat Hussain, Resident of New Azimabad Colony (Near Mashid) Dargah Road, P.O.- Mahendru, P.S.- Bahadurpur District- Patna.

.... Petitioner/s

Versus



1. The State of Bihar through Principal, Dept. of Urban Development, Government of Bihar, Patna.
2. The Nagar Parishad, Phulwari Sarif, Patna through its Executive Officer, P.S.- Phulwari Sarif, District- Patna.
3. The Executive Officer, Nagar Parishad, Phulwari Sarif, Patna.

.... Respondent/s

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Appearance :

(In MJC No.1850 of 2014)

For the Petitioner/s : Mr. Sunil Kumar

For the Respondent/s : Mr. Hargovind Singh Himkar

(In CWJC No.15348 of 2017)

For the Petitioner/s : Mr. Suraj Samdarshi

For the Respondent/s : Mr. RAJIV ROY - GP1

(In CWJC No.16144 of 2017)

For the Petitioner/s : Mr. Jai Ram Singh

For the Respondent/s : Mr. Anil Kumar

(In CWJC No.16234 of 2017)

For the Petitioner/s : Mr. Jai Ram Singh

For the Respondent/s : Mr. Anil Kumar

(In CWJC No.16055 of 2017)

For the Petitioner/s : Mr. Jai Ram Singh

For the Respondent/s : Mr. Anil Kumar

(In CWJC No.16014 of 2017)

For the Petitioner/s : Mr. Jai Ram Singh

For the Respondent/s : Mr. Anil Kumar

(In CWJC No.14840 of 2017)

For the Petitioner/s : Mr. Kumar Kaushik

For the Respondent/s : Mr. RAJIV RAY - GP1

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 08-03-2018

The contempt application and all the writ applications are now required to be disposed of in view of re-measurement which has been done by the Executive Officer, Phulwarisharif in presence of the necessary parties including the builders.



The Executive Officer has also passed orders on the basis of the outcome of the exercise so done and these orders also stand communicated or will be treated to have been communicated since they have been brought on record.

Two aspects emerge that there are deviations which are condonable and there are deviations which are not condonable.

For the deviations which are condonable, the builders concerned will file application before the Executive Officer on payment of relevant fee or cost for such condonation. For the area which, according to the Executive Officer, is not condonable an opportunity may be given to the parties concerned to demonstrate within the framework of the Rules and the same may be considered and then another order with respect to the non-condonable portion may be passed and communicated to the parties. The Executive Officer will have freedom to act thereafter unless an appropriate judicial forum or Court passes any restraint order.

The applications stand disposed off with the above direction.

Before parting with this order, the Court also observes that the contents of I.A. No. 1499 of 2018 may be brought to the notice of the Executive Officer, who may take cognizance of the same and may pass appropriate order if it comes within his domain.



The personal presence of the Executive Officer, Phulwarisharif now stands dispensed with in view of disposal of the matters.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Devendra/Rajesh

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.03.2018
Transmission Date	NA

