

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1627 of 2019

=====

Mahaveer Mahto, aged about 73 years, Gender-Male, Son of late Chhedi Mahto, resident of Mohalla- Lalbagh, Chini Godam, P.S.- Town, District-Darbhanga.

... .. Petitioner

Versus

1. The State of Bihar the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, District- Darbhanga, (Bihar).
3. The Additional Collector, Darbhanga, (Bihar).
4. The Senior Superintendent of Police, Distt. Darbhanga, (Bihar).
5. The Sub Divisional Magistrate, Darbhanga Sadar, Darbhanga.
6. The Town Commissioner, Darbhanga Municipal Corporation, Darbhanga.
7. The Circle Officer, Darbhanga Sadar, Darbhanga.
8. The Thana-in-Charge, Town, Distt. Darbhanga.
9. Ram Bilash Mahto (M), aged 60 years, Son of late Rameshwar Mahto, Resident of Mohalla-Lalbagh, Chini Godam, P.S. Town, Distt. Darbhanga.

... .. Respondents

=====

Appearance :

For the Petitioner	:	Mr.Dr. Anand Kumar, Advocate.
For the Respondents	:	Mr.Rishi Raj Sinha, S.C. 19 and Mr. Saurabh Kumar, A.C. to S.C. 19.
For the Municipal Corporation	:	Mr. Bidhyachal Rai, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-01-2019 Heard learned counsel for the petitioner and learned counsel for the respondents.

The following reliefs have been sought for by the petitioner in the present writ application.

“1 (i) For direction upon the respondent authorities to remove illegal construction done by the respondent no. 9, whereby the ingress and outgress of the petitioner has been stopped and also for direction to demolish the building which has been constructed without approval of the building Map by



Darbhanga Municipal Corporation,
Darbhanga.

(ii) For direction upon the respondent authorities and specially to the Town Commissioner, Darbhanga Municipal Corporation, Darbhanga (respondent no. 6) for removal of his illegal construction of respondent no. 9 in compliance of his letter no. 266 dated 31.1.2017.”

The petitioner had made an application on 30.10.2017 before the respondent no. 2 The District Magistrate, Darbhanga, vide Annexure-4 to the present writ application in respect of construction being made by private respondent no. 9. In the said application it was stated by the petitioner that construction in question was being made for damaging the life and property of the petitioner. In respect of the same, a proceeding was initiated and by order dated 21.08.2018 the Second Appellate Authority passed an order which are Annexures-7 and 7/1 to the present writ application. A report was also submitted by the Junior Engineer of the Corporation stating that there is no danger to life or property of the petitioner due to construction being carried out by the private respondent no. 9 and the said proceeding was dropped. It is evident that the matter relates to two private parties.

In this circumstances, no writ can be issued against the private respondent no. 9 under Article 226 of the



Constitution of India. If the petitioner so advised, may prefer a suit before Civil Court with competent jurisdiction for redressal of his grievance.

With the aforesaid observations and directions, the present writ application stands disposed of.

(Sudhir Singh, J)

U.K./-

U			
---	--	--	--

