

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3531 of 2019

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Anuj Kumar, Son of Sri Nageshwar Rai, Resident of South Chitragupta
Nagar, Kankarbag, P.S. Patrakar Nagar, P.O. Lohia Nagar, Patna- 800020

... .. Petitioner/s

Versus

1. Patna Municipal Corporation through its Chief Executive officer,
2. Commissioner, Patna Municipal Corporation, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajendra Narayan, Sr.Adv.
For the Respondent/s : Mr.Prabhakar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-07-2019 Heard learned senior counsel for the petitioner and

learned counsel representing the Patna Municipal Corporation.

The grievance of the petitioner is that while he was settled the Transport Nagar Truck Parking stand for the financial year 2018-19 on depositing the requisite fee, the Municipal Corporation delayed issuance of Parwana because of which the petitioner was unable to collect parking charges. He has raised certain issues with regard to delay in issuance of Parwana and has prayed for a direction to the Corporation to extend the period of Parwana after 31.03.2019.

Learned senior counsel for the petitioner submits that the petitioner has raised his grievance earlier vide representation dated 05.09.2018 as contained in Annexure-2 to the writ application, but the respondents did not bother to look into the



grievance raised by the petitioner and no step for redressal of his grievance was taken. In this connection even subsequent reminders were sent to the Corporation. It is his case that Parwana was issued vide letter no.1010 dated 17.11.2018 by respondent Corporation which is much after the start of the financial year 2018-19 and, therefore, now the Parwana period should be extended after 31.03.2019.

Learned counsel for the Corporation has made certain oral submissions to oppose the writ application.

However, at this stage, in the nature of the order proposed to be passed by this Court, the Court would not go into recording any finding of fact as to who was at fault and for that who is liable to suffer a monetary compensation and damages if any is required to be levied. What is clear to this Court is that the relief prayed by the petitioner seeking extension of parwana period after 31.03.2019 cannot be granted by this Court in its writ jurisdiction as this Court will not take upon itself to extend the period of contract between the parties howsoever the good reasons may be. To this Court it is clear that if because of the act of one party the another has suffered any loss, he should be at liberty to sue the other side for damages and compensation in accordance with law.



In the given facts and circumstances of the case, the Municipal Commissioner, Patna Municipal Corporation is directed to look into the representations of the petitioner, which are Annexures-1, 2 and 3 to the writ application, and take a decision thereon within a period of two months from today. In case the petitioner is not satisfied with the decision of the Municipal Commissioner, it will be open for the petitioner to seek his remedy, if so advised, for the loss and damages which the petitioner claims to have been caused to him because of delay in issuance of Parwana.

This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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