

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6600 of 2013

=====

Santosh Kumar Singh, Son of Shyam Sudar Singh, Resident Of Village-
Chauhan Dih, Police Station- Khaira, District- Jamui

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, Government Of Bihar, Patna
2. The Municipal Executive Officer, Municipal Council, Jamui
3. The Municipal Secretary, Municipal Council, Jamui
4. The Municipal Engineer, Municipal Council, Jamui

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Parashuram Singh
For the Respondent/s : Mr. Girija Shankar Pd

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

6 18-04-2019 Heard learned counsel for the petitioner and the respondents.

2. Learned counsel for the petitioner submits that the objection on the part of the respondents is uncalled for as the deviation from the norms has not affected any person, as the area where the petitioner was supposed to keep three feet land open is the area where the standing structure is of his father and no one is adversely affected by such construction.

3. Learned counsel for the respondents submits that in fact the dispute is deviation and, as such, the deviation can be condoned on payment of fine.

4. Considering the aforesaid, the writ application is



disposed of with liberty to the petitioner to file application before the respondents, who shall provide opportunity of hearing and if the construction is within the condonable limit and nobody is adversely affected by such construction, then the respondents shall realize reasonable fee for approving the condonation of deviation, instead of taking steps for removal of any part of the building of the petitioner.

Necessary decision in this regard must be taken by the respondents within a period of sixty days from the date of receipt of such representation along with a copy of this order.

(Anil Kumar Upadhyay, J)

uday/-

U			
---	--	--	--

