

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13092 of 2017

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Raj Kumar S/o Sri Lal Bahadur Prasad, Resident of West of Bailey Road Nahar, Rupaspur, Near Ashutosh Memorial Hospital, New Bailey Road, Danapur, Distt. Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Secretary, Forest Deptt. Govt. of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Superintendent of Police (City West), Patna.
5. The Dy. S.P. Danapur, Patna.
6. The S.H.O. Rupaspur Police Station, Patna.
7. The Executive Officer, Nagar Parisad, Danapur.
8. Sanjeev Kumar, Founder, Arthshila, Priyadarshi Nagar, P.S. Rupaspur, Bailey Road (West), Distt. Patna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Santosh Kumar Singh, Advocate
For the Res. No. 7	:	Mr.Ajatshatru, Advocate
For the Res. No. 8	:	Mr.Tuhin Shankar, Advocate
		Mr.Lokesh Kumar Singh, Advocate
For the State	:	Mr.Ranjan Kumar Singh, AC to PAAG-2

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 24-01-2019 Petitioner has moved this Court seeking various directions including for a direction to the respondents particularly to respondent no. 7 to cancel the sanctioned map of the respondent no. 8 who has allegedly constructing a building against the sanctioned map. The petitioner also prays for a direction to respondent no. 8 to deposit adequate compensation to the petitioner as it is alleged that the respondent no. 8 has caused damage to the house of the petitioner and also to the government road.



At the outset, learned counsel representing respondent no. 8 has pointed out that the petitioner had earlier moved this Court in C.W.J.C. No. 2526 of 2017 but the writ application was withdrawn in order to avail any other remedy before appropriate court/forum. Learned counsel has also pointed out that earlier on an application made by this petitioner before the Executive Officer, Nagar Parishad, Danapur, Nizamat, a detail order dated 18.09.2017 as contained in Annexure-D to the counter affidavit of respondent no. 8 has been passed.

Learned counsel submits that order dated 18.09.2017 as contained in Annexure-D is not under challenge rather the petitioner has himself failed to comply with the part of the order under which he was obliged to vacate the house for the purpose of carry on necessary repairs.

Learned counsel representing the respondent no. 7 has also drawn attention of this Court towards the counter affidavit filed on behalf of respondent no. 7. It is submitted that respondent no. 7 had passed the order dated 18.09.2017 taking into account the grievance of the petitioner.

In the given facts and circumstance of the case, in the opinion of this Court, this writ application seems to be misconceived and cannot be entertained. Once the petitioner has



availed his remedy before the competent authority (respondent no. 7) and the order passed by him has not been challenged, he is obliged to abide by the order.

There is no reason as to why a second writ application be entertained at this stage when very recently he had himself chosen to avail appropriate remedy before appropriate court/forum in course of hearing of C.W.J.C. No. 2526 of 2017.

This writ application has, thus, no merit. It is dismissed.

(Rajeev Ranjan Prasad, J)

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