

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25636 of 2019

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Sai Mega Real Developers Private Limited through its Managing Director Smt. Manjusha Kiran, W/o Sri Pawan Kumar, about 33 years, Gender-Female, Resident of 203 Rameshwar Sushila Complex, South Mandiri Road, P.S.- Budha Colony, District- Patna.

... .. Petitioner/s

Versus

1. The Muzaffarpur Municipal Corporation through its Municipal Commissioner, Muzaffarpur.
2. The Municipal Commissioner, Muzaffarpur Municipal Corporation, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shankar Kumar Thakur
For the Respondent/s : Mr.Prasoon Sinha

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 20-12-2019 Heard Mr. Shankar Kumar Thakur, learned

counsel for the petitioner and Mr. Prasoon Sinha, learned

counsel for the respondent / Corporation.

The petitioner is aggrieved by the

communication dated 24.10.2019 passed by the Deputy

Municipal Commissioner, Muzaffarpur asking the

petitioner to explain the justification of commencing with

the work of construction in the absence of any

sanctioned map for the said construction. By the

aforesaid communication, the petitioner has been asked



to furnish his reply within seven days of the receipt of such notice and in the meantime to stop the construction work.

Mr. Thakur, learned counsel for the petitioner has submitted that the grounds for stopping the construction work and asking for show-cause reply is absolutely non-existent. The construction is being carried out against a sanctioned map which has been made part of this writ petition.

Apart from this, it has been submitted that the allegation of encroachment while commencing with the works of construction is also incorrect as there is no encroachment. The aforesaid grounds have been urged by the petitioner in the reply which has been filed pursuant to the aforesaid notice on 30.10.2019.

It is the grievance of the petitioner that despite categorical statements with supporting records having been furnished before the respondents, no decision, as yet, has been taken with the result that the construction



process has unnecessarily been deferred / delayed. This has put the petitioner in further difficulty of protecting and taking care of the raw-materials which have been dumped at the site of construction.

A public functionary is required to dispose off such complaint or to take a decision immediately when any restrictive direction has been issued. In the present case, it has been urged, the construction activities have been totally stopped.

In such a situation, it was least expected of the respondent / Corporation to have taken a call on the aforesaid issue and communicated the decision to the petitioner forthwith. For that not having been done within a reasonable period / statutory period, the petitioner has hastened to come to this Court.

There is some substance in the submissions of the learned counsel for the petitioner.

The Respondent / Corporation is directed to take a decision on the reply furnished by the petitioner



and communicate the same to him forthwith. This exercise ought to be completed positively within a period of six weeks from the date of production/receipt of a copy of this order before the concerned respondents.

Writ petition stands allowed to the extent indicate above.

(Ashutosh Kumar, J)

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