

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8673 of 2020

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Anil Kumar Singh Son of Dilip Kumar Singh Resident of Road no. 3,
Anand Vihar Colony, Jagdeo Path, P.S.- Rupaspur, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Patna Municipal Corporation through Municipal Commissioner Maurya Lok Complex, P.S.- Kotwali, Patna.
3. The Vigilance Officer, Patna Municipal Corporation, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Shashank Chandra
For the Respondent/s : Shankar Kumar
For the PMC : Mr. Prasoon Sinha

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 11-12-2020 Heard Mr. Shashank Chandra, learned counsel for the petitioner and Mr. Prasoon Sinha, learned counsel for Patna Municipal Corporation, Patna. The State is represented by Mr. Shankar Kumar.

The present writ petition is directed against the notice dated 24.09.2020 issued by the respondent no. 3, namely, the Vigilance Officer, Patna Municipal Corporation, Patna, whereby the petitioner has been directed to pay an amount of Rs. 3,09,056/- within 15 days from the date of issuance of notice, failing which, the petitioner has been



intimated that appropriate action will be taken against the petitioner under relevant provisions of the Municipal Act, 2007.

The aforesaid notice has been issued pursuant to the order dated 10.08.2019 in Vigilance Case No. 09B of 2015.

Learned counsel for the petitioner has submitted and has shown to this Court that against the aforesaid order passed in Vigilance Case, the petitioner had approached this Court vide C.W.J.C. No. 2054 of 2019 but by order dated 18.10.2019, the petitioner was directed to prefer an appeal against the aforesaid order before the Bihar Municipal Building Tribunal, Patna.

Till the time the appeal was filed, this Court had directed that the order dated 10.08.2019 shall remain suspended for a further period of four weeks from the date of passing of the order.

Armed with the aforesaid order of this Court, the petitioner preferred an appeal before the Tribunal, which stood admitted on 08.01.2020 after the delay in preferring



the appeal was condoned. However, the matter could not be taken up for further hearing as the corum of the Tribunal is incomplete because of vacancy of one member. The aforesaid fact can be gleaned from the order-sheet of the Tribunal dated 24.02.2020.

This writ petition, under the aforesaid circumstances is being disposed of with a direction to the respondents that the realization of the amount of money which has been saddled on the petitioner shall await the final determination of the appeal preferred by the petitioner before the Tribunal. The petitioner would be under further liberty to challenge the impugned notice before the Tribunal.

It is expected that necessary appointment shall be made in the Tribunal and the appeal preferred by the appellant shall be decided at the earliest.

The writ petition stands disposed of with the aforesaid observation.

(Ashutosh Kumar, J)

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