

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4686 of 2021

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Renu Devi Dalmia, wife of Sheo Kailash Dalmia, resident of -12 K.P. Road
Gaya, P.S. Kotwali, Dist. - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Urban Development and Housing Department Govt. of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Gaya Municipal Corporation through its Municipal Commissioner, Gaya Municipal Corporation Gaya.
4. The Sub-Divisional Officer Sadar Gaya.
5. The Circle Officer, Nagar Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Advocate
For the Resp. No. 3	:	Mr. Rabindra Kumar Priyadarshi, Advocate
For the State	:	Mr. Suresh Kumar, AC to GP-1

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 21-05-2021 The matter has been heard *via* video conferencing.

Heard Mr. Ashok Kumar, learned counsel for the petitioner, Mr. Rabindra Kumar Priyadarshi, learned counsel for the Gaya Municipal Corporation and Mr. Suresh Kumar, learned AC to G.P.-1.

The present writ application has been filed for quashing the order dated 05.03.2020 issued by the Commissioner, Municipal Corporation, Gaya (respondent



No. 3) whereby an order has been passed to demolish the portion of the building of the petitioner situated in Mohallah-Dhamitola within Ward No. 21, appertaining to Plot No. 470/12044, Municipal Plot No. 40113, *Khata* No. 323, House No. 64 (old) 578 (new), P.S.-Kotwali, Gaya.

Mr. Rabindra Kumar Priyadarshi, learned counsel appearing on behalf of the Gaya Municipal Corporation has fairly submitted that on verification, the respondents have found the deviation within condonable limits and as such, they are obliged to regularize the construction after realization of deviation charges/fine.

In view of the aforesaid, the writ application is disposed off with a direction to the petitioner to file appropriate application before the Commissioner, Gaya Municipal Corporation (respondent No. 3) within a period of three months from today. On filing such application, the respondent No. 3 is expected to pass appropriate order, regularizing the deviation if necessary deviation



charges/fine are paid by the petitioner within one month from the date of such decision. The Gaya Municipal Corporation, thereafter shall issue certificate of regularization of the construction made by the petitioner.

With the aforesaid observation/direction, the writ petition stands allowed and disposed off.

(Anil Kumar Upadhyay, J)

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