

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.156 of 2020

In
Civil Writ Jurisdiction Case No.1682 of 2020

Col (Retd.) Niraj Nayan Bajpayee S/o Late Navin Chandra Bajpayee,
Resident of 7, Awasthi Bhawan, P.O. and P.S.- Banda, District- Banda, Uttar
Pradesh 210001.

... .. Appellant/s

Versus

1. Nagar Panchayat Tekari, District Gaya, Bihar.
2. The District Magistrate, Gaya, Bihar 823001
3. The Sub Divisional Officer, Tekari, District Gaya, Bihar.
4. The Circle Officer, Tekari, District Gaya, Bihar.
5. The Officer in Charge, Police Station, Tekari, Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mahesh Narayan Parbat, Advocate Mr. Praveen Prabhakar, Advocate
For the Respondent/s	:	Mr. Yogendra Prasad Sinha (AAG 7)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 01-03-2021 The present appeal is directed against the judgment dated 05.02.2020, passed in C.W.J.C. No. 1682 of 2020, titled as Col. (Retd.) Niraj Nayan Bajpayee Vs. Nagar Panchayat Tekari & Ors., by a learned Single Judge of this Court.

Learned counsel for the appellant states that that part of the construction, which was found to be illegal, already stands demolished and that a fresh/revised plan for sanction of the construction stands filed which is pending consideration



with the authorities.

If that were so, we dispose of the present appeal with the direction to the authorities to consider and decide the appellant's application for sanction of the plan in accordance with law. We do not find any infirmity in the impugned order dated 05.02.2020 at this stage.

Be it for whatever reason, if the map is not sanctioned, per law, we direct that the structure raised by the appellant shall be demolished forthwith.

Liberty reserved to the appellant to challenge the order passed by the authority, if so required and desired, afresh in accordance with law.

(Sanjay Karol, CJ)

(S. Kumar, J)

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