

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7181 of 2020

Leelavati Devi @ Lilawati Devi Wife of Late Narain Prasad Resident of Road No.5, Mohalla- Rajendra Nagar, P.S.- Kadamkuan, Distt- Patna.

... .. Petitioner

Versus

1. The Patna Municipal Corporation through its Municipal Commissioner, Maurya Lok Building, Patna.
2. The Municipal Commissioner, Patna Municipal Corporation, Maurya Lok Building, Patna.
3. The Executive Officer, Bankipur Circle, Patna Municipal Corporation, Patna.
4. The Estate Manager, Bankipur Circle, Patna Municipal Corporation, Patna.
5. The Executive Engineer, Bankipur Circle, Patna Municipal Corporation, Patna.

... .. Respondents

with

Civil Writ Jurisdiction Case No. 7314 of 2020

Mamta Prasad W/o Uddeshya Prasad Plot no.-143A, Block-B, Road No.-05A, Rajendra Nagar, Police Station-Kadam Kuan, District-Patna.

... .. Petitioner

Versus

1. The Patna Municipal Corporation Maurya Lok Complex, Police Station-Kotwali, District-Patna through the Municipal Commissioner
2. The Municipal Commissioner, Patna Municipal Corporation, Maurya Lok Complex, Police Station-Kotwali, District-Patna

... .. Respondents

Appearance :

(In Civil Writ Jurisdiction Case No. 7181 of 2020)

For the Petitioner : Mr. Akshansh Ankit

For the Respondents : Mr. Sanjay Prakash Verma

(In Civil Writ Jurisdiction Case No. 7314 of 2020)

For the Petitioner : Mr. Sandeep Kumar

Mr. Alok Kumar @ Alok Kr Shahi

For the Respondents : Mr. Sanjay Prakash Verma

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

15 14-07-2021

In both these cases, an order dated 18.06.2020 passed in Vigilance Case No. 09B/2019 by the Municipal Commissioner, Patna, is under challenge. It is an admitted fact



that the petitioners have statutory remedy of appeal under the provisions of Bihar Municipal Act, 2007 before the Bihar Municipal Building Tribunal. The petitioners could not approach the Tribunal because the Tribunal was not functioning because of lack of coram.

It is stated by Mr. Sanjay Prakash Verma, learned counsel representing the Corporation that the Tribunal has since been constituted by the State Government by Notification No. 362 dated 10.07.2021 issued by the Urban Development and Housing Department, Government of Bihar, and is functional.

In the aforesaid circumstances, these applications are disposed of with an observation that the petitioners shall have the liberty to approach the Tribunal by filing appeal under appropriate provision of law within a period of one month from today.

If such appeal is filed within the aforesaid period, the Tribunal shall not reject the appeal on the ground of limitation and shall decide the same on merits.

This Court had granted an interim order of status quo in the present proceedings. The parties are directed to maintain status quo for four weeks from the date of filing of the appeal before the Tribunal.



These applications are disposed of accordingly with
the aforesaid observation.

(Chakradhari Sharan Singh, J)

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