

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10135 of 2020

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Shyam Babu Ram @ Shyambabu Ram Son of Late Birodhi Ram Ward No. 9,
Power House Road, Near- Geeta Loj, Gachi Tola (Rajendra Nagar),
Begusarai.

... .. Petitioner/s

Versus

1. The Municipal Commissioner Municipal Corporation, Begusarai.
2. The Junior Engineer, Municipal Corporation, Begusarai.
3. The Tax Collector, Ward No. 31, Power House Road, Gachi Tola, Municipal Corporation, Begusarai.
4. The State of Bihar Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s : Ms. Nutan Sahay, AC to AAG-12)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 17-08-2021 Heard Mr. Umesh Kumar Mishra, learned counsel for

the petitioner and Ms. Nutan Sahay, learned A.C. to AAG-12 for

the State.

2. The Petitioner has challenged the order dated
20.7.2019/23.6.2020 passed in Case No. 06 of 2019 by the
Municipal Commissioner, Begusarai, by which he has directed
for demolition of the first and second floor of the building
constructed by the petitioner and levied a sum of Rs.2,00,000/-
as penalty for violating the provisions of the Bihar Municipal
Act and Building Bye-Laws, 2014.

3. Learned counsel for the State submits that the
petitioner has got alternative remedy of appeal against the



impugned order before the Bihar Municipal Building Tribunal, and, as such, petitioner may be directed to file an appeal against the impugned order.

4. Upon query of the Court, learned counsel for the State submits that the Bihar Municipal Building Tribunal has, now, been constituted and it has started functioning.

5. In view of the rival submissions and the fact that the petitioner has got alternative remedy before the Tribunal, the petitioner is directed to prefer an appeal before the Tribunal within a period of six weeks from today.

6. It is made clear that till the aforesaid period of six weeks within which the petitioner may file an appeal before the Tribunal, the respondents are restrained from demolishing the structure/building of the petitioner and also not to take any coercive action for realization of penalty levied in Case No. 06 of 2019.

7. With aforesaid observation and direction, this writ application is, accordingly, disposed of.

(Anil Kumar Sinha, J)

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