

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13186 of 2021

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Bishekha Kumari W/o Prakash Prasad, Resident of Mohalla - English, Ward No. 4, P.S. - Lakhisarai, District - Lakhisarai.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
3. The District Magistrate, Lakhisarai.
4. The Sub-Divisional Officer, Lakhisarai.
5. The Circle Officer, Lakhisarai Block, Lakhisarai.
6. The Executive Officer, Nagar Parishad, Lakhisarai.
7. Arun Mahto, Son of Late Maheshwar Mahto, Resident of Mohalla - English, Ward No. 4, P.S.- Lakhisarai, District - Lakhisarai.
8. Arbind Mahto, Son of Late Maheshwar Mahto, Resident of Mohalla - English, Ward No. 4, P.S.- Lakhisarai, District - Lakhisarai.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

7 26-04-2022 The petitioner has filed the present application seeking direction to the Executive Officer, *Nagar Parishad*, Lakhisarai to take appropriate action against the private respondents No. 7 and 8, who, according to the petitioner, have constructed a building without getting any map sanctioned for the said purpose. It is the petitioner's case that the said



construction is contrary to the Building Bye-Laws.

There is a statement made in the writ petition that the petitioner had approached the Sub-Divisional Public Grievance Redressal Officer, Lakhisarai against inaction of *Nagar Parishad*, Lakhisarai despite information having been given by the petitioner to him in respect of illegal construction.

Mr. Ajay Kumar Singh, learned counsel for the petitioner has submitted that though the Executive Officer took a plea before the Public Grievance Redressal Officer that notice had been issued to the private respondents for violation of Building Bye-Laws, no further action has been taken so far. He has further drawn our attention to the provisions under Clause 318 of the Building By-Laws to contend that it was obligatory on the part of the *Nagar Parishad* to have acted on the basis of information furnished by the petitioner in respect of the illegal construction being made by the respondents No. 7 and 8.

In our opinion, the petitioner ought to have pursued his remedy under the provisions of Bihar Municipal Act, 2007 ('Act' for short) read with Building Bye-Laws before Chief Municipal Officer under Section 323 of the Act.

In such view of the matter, this application is disposed of with a liberty to the petitioner to make an application under



Section 323 of the Act before the Chief Municipal Commissioner. It goes without saying that if the petitioner approaches the Chief Municipal Commissioner, the petitioner's grievance shall be considered and decided in accordance with law.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

K.K.RAO/-

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