

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16816 of 2021

Pintu Sharma S/o Bijendra Singh, resident of Village - Mahmadpur, P.S.-
Bihta, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. Patna Municipal Corporation through the Commissioner, Patna Municipal Corporation, Patna, Bihar.
4. The Commissioner, Patna Municipal Corporation, Patna, Bihar.
5. Patna Metropolitan Area Authority through In charge Director, Rajya Bhawan Nirman Limited, Patna Headquarters, Hospital Road, Shastri Nagar, Patna.
6. The District Magistrate, Patna, Bihar.
7. The Sub-Divisional Officer, Danapur, Patna.
8. The Circle Officer, Bihta, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ravindra Kumar, Advocate
For the State	:	Mr.Subash Prasad Singh (Ga3)
		Mr. Indeshwari Pd.Thakur, AC to GA 3
For the P.M.C.	:	Mr. Sanjay Prakash Verma, Advocate

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

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 23-06-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

1. That the present writ petition has been filed for issuance of writ in the nature of certiorari to set aside the letter dated 03.02.2021 issued by the In charge Director, Patna Metropolitan Area Authority (Region), Patna directing to stop the work of the said plant as permission cannot be granted as the land at situated at Plot no. 3115, 3140, 3089, 3078 and 3079, Painal Panchayat, Village-Mahmmadpur, Circle Office-Bihta, District-Patna; Bihar comes under residential area as per Master plan and issuance of writ of Mandamus directing upon the respondents to issue the No Objection Certificate (NOC) to the petitioner for operation of Ready Mix Concrete Plant/Unit established at Khata no. 404, 1563, 388, 394, 370 and 371, Khesra no. 3115, 3140, 3089, 3078 and 3079, Mauza –

Painal, Village – Mahmadpur, P.O. – Painal, P.S. – Bihta, District – Patna and for issuance of other appropriate writ/writs, direction/directions, order/orders / orders/directions /directions for which the petitioner is entitled in the facts and circumstances of the present case.

After the matter was heard for some time, finding the Bench not to be agreeable with the submissions made by learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the respondent no.5, **Patna Metropolitan Area Authority through In charge Director, Rajya Bhawan Nirman Limited, Patna Headquarters, Hospital Road, Shastri Nagar, Patna** to consider and decide the representation

which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of on the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;

(c) The order assigning reasons shall be communicated to the petitioner;

(d) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(f) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(h) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

(i) We have not expressed any opinion on merits. All issues are left open;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.06.2022
Transmission Date	NA