

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.828 of 2023

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Sheela Kumari W/o Sri Mithilesh Kumar and D/o Late Ramkeshwar Prasad,
R/o House No. 9, Road No. 3, Mahesh Nagar, Ward No.- 7, P.O.- Keshari
Nagar, P.S. Patliputra, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Urban Development and Housing Department, Government of Bihar.
2. The Patna Municipal Corporation, Patna through its Municipal Commissioner.
3. The Municipal Commissioner, Patna Municipal Corporation, Patna.
4. The Executive Engineer, Patliputra Anchal, Patna Municipal Corporation, Patna.
5. The Vigilance Officer, Patna Municipal Corporation, Patna.
6. Suraj Kumar, Patna. Address not known as not mentioned in the complaint.
7. Rohit Raj Patna. Address not known as not mentioned in the complaint.
8. Kamalesh Singh Patna. Address not known as not mentioned in the complaint.
9. Gautam Anand Patna. Address not known as not mentioned in the complaint.
10. Sobha Kumari D/o Late Bachu Prasad Resident of House No. -7, Urmila Sadan, Road No.- 3, Mahesh Nagar, Ward No.- 7, P.S.- Patliputra, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Pandit
For the Respondent/s : Mr. Abbas Haider (Sc6)

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-04-2023 Heard learned counsel for the petitioner and learned

counsel for the State along with the learned counsel for the

Patna Municipal Corporation, Mr. Prasoon Sinha.

Learned counsel for the petitioner submits that the

present writ application was filed seeking quashing of the order

dated 08.12.2022 passed in Vigilance Case No. 48B of 2021 by



the Municipal Commissioner, Patna Municipal Corporation, whereby, the entire house of the petitioner situated at Mohalla Mahesh Nagar, Road No. 3 Mauza Manpur, Thana Phulwari at present Thana Patliputra, District Patna, Thana No. 2 Tauzi No. 5123, Khata No. 404, Survey Plot No. 1426(part), area 10 dhur has been declared to be constructed illegally and thus petitioner was directed to remove the entire construction within thirty days.

Learned counsel submits that the petitioner against the order passed by the Municipal Commissioner, Patna Municipal Corporation, had also preferred an appeal being Appeal no. 19N of 2022 before the learned Municipal Tribunal. It is next submitted that since Tribunal was not functional, as such, petitioner had moved this Court by filing the instant writ application. Learned counsel next submits that the petitioner would be satisfied, in the event, if a direction is issued upon the learned Municipal Tribunal to expedite the appeal.

Learned counsel for the State and the learned counsel for the Patna Municipal Corporation does not object to the prayer of the petitioner.

Having heard the learned counsel for the parties, the writ application is disposed of with a direction to the learned



Municipal Tribunal to dispose of Appeal No. 19N of 2022 expeditiously, preferably within a period of nine months from the date of receipt/production of a copy of this order if possible.

(Satyavrat Verma, J)

HarshPandey/-

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