

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18506 of 2018

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Ranveer Abhimanyu son of Late Kedar Prasad Gupta resident of Mohalla -
Chhoti Saraiya Gunj, P.S. Town, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna
2. Muzaffarpur Municipal Corporation through the Municipal Commissioner, Muzaffarpur.
3. Muzaffarpur Municipal Commissioner, Muzaffarpur.
4. Sanjeev Kumar son of Late Brij Kishore Singh Near Jangali Mai Asthan, Balughat, P.S. Town, District Muzaffarpur, Private Secretary to Minister of Urban Development and Housing Department.
5. Mangaleshwar Sharma son of Late Kanhaiya Lal Sharma Tenant Bharat Jalpan Chhoti Saraiyagunj, P.S. Town, District Muzaffarpur.
6. Rama Shankar Singh Son of Uma Shankar Singh Bharat Jalpan Mohalla Chhoti Saraiyagunj, P.S. Town, District Muzaffarpur.
7. Executive Engineer, Building Construction Department, P.W.D. Manipur, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nagadeo Choubey, ADvocate Mr. S. Parasmani, Advocate
For the Respondent/s	:	Mr. Subhash Prasad Singh, GA-3 Mr. Indeshwari Prasad Mandal, AC to GA-3
For the M.C., Muzaf.	:	Mr. Anurag Saurabh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-05-2023 Heard learned counsel for the petitioner, learned counsel

for the State and learned counsel appearing for the Muzaffarpur

Municipal Corporation Mr. Anurag Saurabh.

Learned counsel for the petitioner at the outset seeks

time for filing a supplementary affidavit bringing on record

subsequent development which has taken place after filing of the

present writ application. It is further submitted that the petitioner

has filed the present writ application for a direction upon the



Municipal Authority to perform their statutory duty as mandated under Section 276 of the Bihar Municipal Act, 2007 and to demolish the house in question which is in a dilapidated condition.

Learned counsel submits that initially the Municipal Commissioner, Muzaffarpur, after getting a report with respect to the building in question, had ordered for demolition but subsequently he reviewed his own order based on a second inquiry and cancelled the earlier order by which the order for demolition of the house in question was passed. Learned counsel further submits that it is not in dispute that the building in question also had tenants but presently there are no tenants and the front portion of the house has fallen on its own and the building now has become more dangerous. Learned counsel for the petitioner next submits that the Municipal Commissioner, Muzaffarpur relied on the second report of the Engineer of the Building Construction Department for recalling his earlier order directing demolition. It is also submitted that now since the front portion of the building in question has fallen, as such, it has become dangerous to life and in the event if any catastrophe happens who will be responsible for the same. It is further submitted by the petitioner at the cost of repetition that as on date there are no tenants in the building.

Learned counsel for the Municipality submits that the writ application may be disposed of with a direction to the petitioner to file a fresh representation placing on record with



clarity the facts which have been pleaded before this Court so that the Municipal Commissioner, Muzaffarpur now again can independently apply his mind and take a fresh action.

Considering the submission made by the learned counsel for the parties, the writ application is disposed of with a direction to the petitioner to file a fresh representation bringing on record with clarity the entire facts before the Municipal Commissioner, Muzaffarpur.

In the event, if any representation is filed by the petitioner before the Municipal Commissioner, Muzaffarpur by 31.05.2023, the Municipal Commissioner, Muzaffarpur shall consider and dispose of the representation expeditiously preferably within a period of one month from the date of receipt of the representation in accordance with law.

Learned counsel for the petitioner, at this stage, submits that the petitioner is willing to demolish the building in question at his own cost provided the Municipal Commissioner, Muzaffarpur agrees.

(Satyavrat Verma, J)

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