

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10887 of 2016

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1. Chandrashekhar Prasad Singh Son of Late Balbhadra Prasad Singh resident of A/10, Vyas Nagar, Ashiana Road, P.S.- Shashtrinagar, District-Patna
 2. . null null

... .. Petitioner/s

Versus

1. The Patna Municipal Corporation and Ors
2. The Vice-Chariman, Patna Municipal Corporation the then Patna Regional Development Authority, Maurya
3. Mithilesh Kumar @ Mithilesh Singh Son of Late Sakaldeep Narayan Singh, Flat No.-104, Aranya Karuna Balbhadra Apartment, East Boring Canal Road, P.S. Buddha Colony, Patna
4. Ajay Kumar Son of Shri N.K. Sharma resident of Shri Krishna Nagar, Patna Developer

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar
For the Respondent/s : Mr. Prasoon Sinha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-02-2023 Heard learned counsel for the petitioner and learned counsel appearing for the Patna Municipal Corporation, Mr. Prasoon Sinha.

The present writ application has been filed seeking quashing of the order dated 14.07.2006 passed by the Vice-Chairman, P.R.D.A., in vigilance Case No. 4A of 2006 and the order dated 03.08.2006 passed by the Appellate Authority in appeal No. 46 of 2006 affirming the order of the Vice-Chairman, P.R.D.A.

From perusal of the order dated 14.07.2006 passed by



the Vice-Chairman, P.R.D.A., it would manifest that he had directed the petitioner to remove the generator set which was kept below the transformer inside the apartment and such had observed that the same is dangerous for life and also for health.

Against the said order, the petitioner moved an appeal before the Appellate Authority, the Appellate Authority dismissed the appeal by order dated 03.08.2006 after observing that after perusing the order of the Vice-Chairman, the case was not fit to be admitted, however, the petitioner was granted six weeks time for removing the generator.

Learned counsel for the petitioner assails both the order on the ground that the generator set is kept 2.5 meters away from the transformer inside the apartment and, as such, is not dangerous to human life and health and this aspect of the matter was not considered by the Vice-Chairman and the Appellate Authority.

Learned counsel for the Municipal Corporation submits that from the order of the Vice-Chairman, it would manifest that it clearly records that the sanctioned plan did not had any specified place for keeping the generator set and, as such, the generator set was kept inside the apartment which was below a transformer though the transformer was outside the



apartment and, as such, the generator set was kept inside the apartment but below a transformer which was outside the apartment as would clearly manifest from the photograph annexed at Page 25 of the writ application and thus submits that the order requires no interference, moreso when as per sanctioned plan, there is no space specified for keeping a generator set.

In view of the submissions made by the learned counsel appearing for the Patna Municipal Corporation, the Court does not find any error in the order passed by the authorities.

The present writ application stands dismissed.

(Satyavrat Verma, J)

HarshPandey/-

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