

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6848 of 2018

-
-
1. Katihar Medical College Katihar through its Managing Director, Ahmed Ashfaque Karim, Son of Late Ahmed Karim Rahmani, Resident of Katihar Medical College Campus, Police Station- Katihar Mufassil, District- Katihar.
 2. Al-Karim Educational Trust, Patna through its Chairman-cum-Managing Director, Ahmed Ashfaque Karim, having its Office at 302, Sanjay Mansion Apartment, Asiana Road, Raja Bazar Patna 800014

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Vikas Bhawan, Patna
2. Katihar Municipal Corporation, District- Katihar, through its Executive Officer.
3. Executive Officer, Katihar Municipal Corporation, Katihar, District- Katihar.
4. Municipal Commissioner, Municipal Corporation, Katihar, District- Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	: Mr. Dharmeshwar Mishra, Advocate Mr. Indrajeet Bhushan, Advocate
For the Respondent/s	: Mr. Y.P. Sinha-AAG7
For the Katihar Municipal Corporation	: Mr. Vinjay Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT

Date : 03-04-2023

Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the Katihar Municipal Corporation.

Learned counsel appearing for the Katihar Municipal Corporation, at the outset, submits that petitioner no. 1 for the same relief which is being claimed in the present writ application had approached this Court vide C.W.J.C. No. 17525 of 2015 which



was disposed of by order dated 09.11.2015 with liberty to the petitioner no. 1 to espouse his grievance departmentally.

Learned counsel for the Corporation submits that in view of the order dated 09.11.2015 in C.W.J.C. No. 17525 of 2015, the petitioners filed an application before the Executive Officer, Katihar Municipal Corporation, Katihar under Section 141 of the Bihar Municipal Act, 2007 for reviewing the order of the Katihar Municipal Corporation, Katihar and demand notice dated 29.12.2012. Learned counsel further submits that no doubt the review application of the petitioners is pending since 2015 i.e. 21.12.2015 and the same has to be decided in terms of Section 142 of the Bihar Municipal Act, 2007. Learned counsel next submits that the order passed in the review application would be subject to challenge in appeal before the learned District Judge, Patna. Learned counsel for the Corporation, thus, submits that the writ application may be disposed of with a direction to the Corporation to ensure that the application of the petitioners under Section 141 of the Bihar Municipal Act, 2007, dated 21.12.2015 is disposed of within a time frame.

Learned counsel appearing for the petitioners does not dispute the submissions made by the learned counsel for the Corporation.



In view of the submissions made by the learned counsel for the parties, the writ application is disposed of with a direction to the Executive Officer, Katihar Municipal Corporation, Katihar to consider and dispose of the application of the petitioners filed under Section 141 of the Bihar Municipal Act, 2007 dated 21.12.2015 within a period of one month from the date of receipt/production of a copy of this order.

Learned counsel for the petitioners, at this stage, submits that since the Municipal Commissioner was not posted when the application under Section 141 of the Bihar Municipal Act, 2007 was filed, as such, the application was addressed to the Chief Executive Officer, Katihar who was holding the charge of the Municipal Commissioner, Katihar.

(Satyavrat Verma, J)

Kundan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.04.2023
Transmission Date	

