

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11082 of 2016**

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Ashok Kumar S/o late Surya Nath Kumar Resident of address 702, Surya Lok, Sahdeo Mahto Marg, Sri Krishna Puri, P.S.-Sri Krishna Puri, District-Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Patna Municipal Corporation Patna
3. The Vigilance Officer, Patna Municipal Corporation, Patna
4. The District Magistrate, Patna
5. The Senior Superintendent of Police , Patna
6. The Dy. Superintendent of Police, Sachiwalya, Patna
7. The Station House Officer, Sri Krishna Puri Police Station, Patna
8. Dr. Umesh Prasad Singh S/o Late Satya Narayan Singh
9. Dr. Anita Singh W/o Dr. Umesh
10. Amit Kumar, Certified Architect S/o Not Know R/o 305, Block-B, Capital Town, Fraser Road, Patna-1

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rakesh Kumar, Advocate  
For the Respondent/s :

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

5      09-05-2023                      Heard learned Senior counsel for the petitioner and learned counsel for the State along with learned counsel for the Patna Municipal Corporation, Mr. Prasoon Sinha.

The learned Senior counsel for the petitioner, Ms. Nivedita Nirvikar, at the outset, submits that an I.A. No. 02 of 2023 has been filed seeking amendment of the prayers made in the writ application. It is next submitted that in the I.A., two prayers have been made.



It is further submitted that petitioner has sought a writ of mandamus commanding the respondent authorities to implement the order dated 09.05.2016 passed in Vigilance Case No. 02B of 2015 passed by the Municipal Commissioner, Patna Municipal Corporation as contained in Memo No. 5332 dated 09.05.2016 whereby and whereunder the private respondent Nos. 8 and 9 herein were directed to remove the infirmity in the construction as recorded in the order dated 09.05.2016 within 30 days.

The learned Senior counsel next submits that in the alternate, it has been prayed that a direction be issued upon the learned Municipal Building Tribunal, Bihar to dispose of the Appeal No. 09N of 2016 preferred by the private respondent Nos. 8 and 9 within a stipulated time frame.

**Considering the submissions made by the learned Senior counsel for the petitioner, the I.A. No. 02 of 2023 is allowed.**

In nature of prayer made in the writ application, the learned Senior counsel for the petitioner submits that petitioner would be satisfied in the event if learned Municipal Building Tribunal, Bihar is directed to dispose of the Appeal No. 09N of 2016 filed by the private respondent Nos. 8 and 9 impleading



the petitioner as a party within a time frame.

The learned counsel for the Municipal Corporation does not object to the prayer made by the learned Senior counsel for the petitioner, however, submits that the Tribunal was not functional and recently it has become functional and several appeals are pending, as such a reasonable time be fixed within which the appeal can be decided and disposed of in accordance with law.

Considering the submission made by the learned counsel for the parties, the writ application is disposed of with a direction to the learned Municipal Building Tribunal, Bihar to dispose of the Appeal No. 09N of 2016 preferred by the private respondent Nos. 8 and 9 herein against the order passed by the Municipal Commissioner, Patna Municipal Corporation contained in Memo No. 5332 dated 09.05.2016 expeditiously and preferably within a period of 6 months from the date of receipt/production of a copy of this order, in accordance with law and after hearing all the stakeholders.

**(Satyavrat Verma, J)**

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