

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18304 of 2017

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1. Niranjan Kumar and Ors S/o Late Balashwar Prasad
 2. Jetendra Kumar @ Pappu Kumar S/o Late Balashwar Prasad
 3. Sanjay Kumar S/o Late Balashwar Prasad
 4. Bijoy Kumar S/o Late Balashwar Prasad All residents of East Lohanipur, Railway Hander Road, Patna, District - Patna.

... .. Petitioner/s

Versus

1. The Patna Municipal Corporation, Through Its Municipal Commissioner and Ors
2. The Municipal Commissioner, Patna Municipal Corporation, Maurya Lok, Police Station - Kotwali, Dist
3. Sudama Singh Resident of East Lohanipur, Railway hander Road, Patna, District - Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jai Ram Singh
For the Respondent/s : Mr. Prasoon Sinha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 26-04-2023 Heard learned counsel for the petitioner and the learned counsel for the Patna Municipal Corporation, Mr. Prasoon Sinha.

Learned counsel for the petitioner submits that the writ application was filed seeking quashing of the order dated 21.10.2017 passed by the Municipal Commissioner, Patna Municipal Corporation in Vigilance Case No. 35B of 2017 by which the Municipal Commissioner, Patna Municipal Corporation declared the entire construction made by the petitioner as illegal and further directed to demolish the whole



house within 30 days from the date of the order failing which the same shall be demolished by the Corporation and the expenditure incurred on demolition shall be realized from the petitioner.

Learned counsel for the petitioner submits that petitioner had preferred an appeal before the learned Municipal Tribunal by filing appeal No. 14(S) of 2017 against the order dated 21.10.2017 in Vigilance Case No. 35B of 2017 passed by the Municipal Commissioner, Patna Municipal Corporation.

Learned counsel next submits that since the Tribunal was not functional, as such, he had no option but to approach this Court by filing the present writ application. It is next submitted that the Municipal Tribunal has now become functional.

Learned counsel appearing for the Municipal Corporation also submits that since the Municipal Tribunal has become functional, as such, the writ application can be disposed of with a direction to the Municipal Tribunal to decide the appeal within a time frame.

Considering the submissions made by the learned counsel for the parties, the writ application is disposed of with a direction to the learned Municipal Tribunal to dispose of the



appeal 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)

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