

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5404 of 2020

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Gopal Prasad Singh son of Braj Kishore Prasad Singh @ Hira Babu resident of Traffic Chowk, Hiraji Market, Ward No. 13, Begusarai, P.s. Begusarai Town, District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Begusarai District- Begusarai
2. The Superintendent of Police Begusarai District- Begusarai
3. The Municipal Commissioner, Begusarai Municipal Corporation, District- Begusarai
4. The Sub Divisional Officer, Begusarai Sadar, District- Begusarai
5. The Circle Officer, Begusarai District- Begusarai
6. The Station Head Officer, Begusarai Town Police Station, District- Begusarai

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S.B.K. Mangalam, Advocate
For the Respondent/s	:	Mr. Ravi Bhushan Verma, Advocate
For the State	:	Mr. S.H. Mazid, AC to S.C.- 6

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-08-2023 Heard Mr. S.B.K. Mangalam, learned Counsel for the petitioner and Mr. Ravi Bhushan Verma, learned Counsel for the respondent- Begusarai Municipal Corporation as also Mr. S.H. Mazid, learned AC to S.C.- 6.

The present writ petition has been filed for the following reliefs:-

(i) for issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities for demolition of old shops of the



petitioner situated in the southern side of JEMS Hotel. Kachhari Road, Begusarai by the Respondents themselves in view of the report submitted by the Circle Officer, Begusarai, which is now not in a position of inhabitation of any human being since it has become old and dilapidated and for which the petitioner is ready to pay the cost to the Respondents;

(ii) for a declaration that in view of the provisions contained under Section 336 (4) of the Bihar Municipal Act, 2007, if a duty has been cast upon the Chief Municipal Officer to demolish the dangerous building by the Municipality itself for which cost shall be paid by the owner of building, the Respondent Corporation is obliged to demolish the petitioner's building for which the petitioner is ready to pay the expenses incurred against the demolition.

Both the State Counsel as also the learned Counsel for the Begusarai Municipal Corporation made preliminary objections that according to the writ petition itself, there are shop owners who will be affected by the order and the petitioner has chosen not to implead them as party respondents.

This Court finds force in the submissions put forward



by the learned Counsel for the Begusarai Municipal Corporation as also the State Counsel. Without impleading all the shop owners as party respondents, this writ petition has been filed for a direction upon respondents to demolish old shops.

As such, the writ petition is dismissed for non-joinder of the necessary parties.

(Rajiv Roy, J)

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