

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5057 of 2020

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Ishwar Dayal Son of Late Sukar Mahto, resident of Village-Sipah, P.S.-
Deepnagar, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Urban Development and Housing, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
3. The Municipal Commissioner, Biharsharif, District-Nalanda.
4. Smt. Girja Devi, Wife of Late Lalan Prasad, Resident of Pachwara, P.S. and District-Nalanda. At present residing at C/o Dr. Naveen Kumar, Medi Care Hospital, Mangla Asthan, P.S.-Laheri, Biharsharif, District-Nalanda.
5. Dr. Naveen Kumar, Son of Late Lalan Prasad, Resident of Pachwara, P.S. and District-Nalanda. At present residing at C/o Dr. Naveen Kumar, Medi Care Hospital, Mangla Asthan, P.S.-Laheri, Biharsharif, District-Nalanda.
6. Shri Ram Lakhan Prasad, Son of Late Mahadev Mahto, Resident of Kishan Bagh, N.H. 20, Ward No. 44, P.S.-Lahari, Biharsharif, District-Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None.
For the Respondent/s	:	Mr. Kinkar Kumar (SC-9)
		Mr. Z. Haider, Advocate
For Biharsharif Municipal Corp.	:	Mr. Gyan Prakash Ojha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-08-2023 No one appears on call although the learned counsel

for the Biharsharif Municipal Corporation and the State are

present.

*This application has been
preferred for following reliefs:*

*(i) for the issuance of a writ of
Mandamus and /or any other writ/
appropriate direction / order commanding
the respondent No.2 and 3 to give effect to*



the Notice Vide letter No.509 dated 05.02.2020 issued by the respondent no.3 and to initiate an appropriate action under the provision of Bihar Municipal Act, 2007;

(ii) for issuance of a writ in the nature of Mandamus, and/ or any other writ / direction / order commanding the respondent no.4 to produce the Sanctioned Building Plan approved by registered Architect and Sanctioned by the respondent No.3 and the related documents of Plot No. 264 Khata No.111, Thana No.94 Tauji No.11942 situated in Ward No.44, Kisan Bagh (Chora Bagicha), Biharsharif, Nalanda;

(iii) for the issuance of a writ in the nature of mandamus, and / or any other writ/ direction / order commanding the respondent No.3 to ensure the strict compliance of Building Bye Laws-2014 and not to allow the construction of the Building on Plot No.264 Khata No.111 ward No.44 by Respondent No.4 & 5 in deviation of Sanctioned Building Plan;

(iv) for the issuance of a writ in the nature of Mandamus, and/or any other writ / direction / order commanding the respondent no.2 and 3 to demolish the illegal and unauthorized construction of the Building on plot No.264 Khata No.111 in



ward No.44, Kisan Bagh (Chora Bagicha) by Respondent No.4 & 5 which has already been made by respondent no.4 and 5 in deviation of Sanctioned Building Plan and to remove the illegal structure erected by Respondent No. 6.

(v) for the issuance of a writ in the nature of Mandamus, and / or any other writ / direction / order commanding the respondent no.4 and 6 to leave the land for the exit entry & of the petitioner from his abutting plot No.132 Khata No.162 on the main Patna Ranchi National Highway N.H.20 without creating of any Hindrances.

(vi) for the issuance of a writ in the nature of Mandamus, and/ or any other writ / direction / order commanding the respondent no.4 that she would not proceed with the construction of Her Building on lot No. 264, Khata No.111 in ward No.44 without complying the Building Bye Laws,- 2014 and Not in deviation of Sanctioned Building Plan approved by Registered Architect and Sanctioned By the Respondent No.3;

(vii) for the issuance of a writ in the nature of Mandamus, and/or any other writ / direction / order commanding the respondent no.2 & 3 to discharge their statutory duties in order to stop the illegal



and unauthorized construction of the building in deviation of Building Bye Laws 2014 and also direct the Civil Authorities and the Police Authorities to assist the Municipal Authorities in enforcement of the Building Bye-Laws-2014.

It would be appropriate that the petitioner approach the Bihar Sharif Municipal Corporation for the said relief.

If such petition is filed by the petitioner before the respondent no.3, the Municipal Commissioner, Bihar Sharif Municipal Corporation, the same shall be disposed of by a reasoned order after hearing all the parties within three months from the representation so preferred.

The writ petition stands disposed of with the aforesaid observations.

(Rajiv Roy, J)

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