

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5633 of 2022

M/s Lall and Lall Engicons Private Limited, through its Director, Lallan Sharma, Male aged about 74 years, S/o Kameshwar Singh, R/o Sarswati Niwas Apartment, Flat No. 404, Rajendra Nagar, Patna. Petitioner/s

Versus

The Commissioner, Patna Municipal Corporation, Second Floor, Block-C, Maurya Lok Complex, Budh Marg, Patna. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Singh, Advocate
For the PMC : Mr. Praseon Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 02-08-2023 Heard the parties.

The prayer is for a direction to the respondent authority to renew the sanction plan map for which cost of Rs. 5,32,750/- was deposited and the development agreement was registered by the Registering Officer, Patna by order of the Sub-judge V and representation dated 14.2.2002 for renewal of the sanction plan map is still pending for consideration.

The contention of the learned counsel is that map was sanctioned by the Patna Municipal Corporation (henceforth for short ' the PMC') on 6.11.2019 whereafter the development agreement was signed on 28.5.2001.

The development/construction thereafter took place and on 15.2.2017, it is the contention of the learned counsel for the petitioner that application was made for renewal of the said map along with the requisite fee.

Subsequently, in 2003, a Vigilance Case No.



71B/2023 was initiated against the petitioner in which an order was passed by the Vice-Chairman of the then Patna Regional Development Authority on 25.8.2006 for demolition of the construction.

Aggrieved, the petitioner moved before the Municipal Building Tribunal in Appeal No. 25/2014 and the delay was because he never came to know about the said order. Taking into account the aforesaid facts, the appeal was allowed on 3.9.2015 remitting the matter back to 'the PMC'.

Subsequently, an order was passed by the Municipal Commissioner, 'the PMC' (Annexure-R/B to the counter affidavit) communicated vide memo no. 03066 dated 18.2.2021 by which certain directions were given to the petitioner so that further steps can be taken. By way of supplementary affidavit filed on 11.10.2022, the petitioner's contention is that all the directions that was given by the Municipal Commissioner, 'the PMC' was fulfilled whereafter an application was/were also sent on 14.4.2022 (Annexure-9 to the supplementary affidavit).

It is his contention that till date no order has been passed despite the fact that direction was/were followed and an application in this regard was made a year ago on 24.4.2022.

Mr. Prasoon Sinha representing 'the PMC' submits



that already counter affidavit has been filed detailing out the reason.

The perusal of the same does not show that subsequent to the direction of 'the PMC' as stated above and further the fresh application given by the petitioner on 24.4.2022, any order has been passed by it after affording opportunity to the petitioner.

In that view of the matter, instead of keeping the case pending, it would be appropriate that the Municipal Commissioner, 'the PMC' is asked to take a final call on the petitioner dated 24.4.2022 filed by the petitioner (Annexure-9 to the petition).

Accordingly, ordered.

The Municipal Commissioner, PMC, after affording opportunity to the petitioner and all the concerned parties pass an order expeditiously and in any case within a period of three months from today.

The writ petition stands disposed of.

(Rajiv Roy, J)

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