

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5158 of 2023

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Muzaffarpur Eye Hospital Juran Chhapra Road No. 2 Muzaffarpur being represented through its Secretary Dilip Kumar Jalan aged about-63, Gender Male, Son of Late Pashupati Nath Jalan, R/o- Jawaharlal Road, P.S.- Town, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department, Urban Development, Government of Bihar, Patna.
2. The District Collector-cum-District Magistrate, Muzaffarpur.
3. The Commissioner, Muzaffarpur, Municipal Corporation, Muzaffarpur, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms.Mahasweta Chatterjee, Advocate
For the Respondent/s : Mr.Yogendra Prasad Sinha (AAG 7)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-04-2023 Though the present writ petition has been filed for quashing the notice, issued by the Municipal Commissioner, Muzaffarpur Municipal Corporation, Muzaffarpur to the petitioner under ***Section 435 of the Municipal Act, 2007***, which is dated 28.01.2023, however, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to file appropriate objection/ reply to the aforesaid notice dated 28.01.2023 and till the final order is passed, seeks some protection.

The learned counsel for the respondent- Muzaffarpur Municipal Corporation submits that in case, appropriate



objection/ reply is filed by the petitioner, the same would definitely be considered and a reasoned and a speaking order shall be passed, in accordance with law, thereafter.

Having regard to the aforesaid facts and circumstances of the case, I deem it fit and appropriate to dispose off the present writ petition with liberty to the petitioner to file appropriate reply/ objection to the aforesaid notice dated 28.01.2023, within a period of four weeks from today, which shall be considered by the Municipal Commissioner, Muzaffarpur Municipal Corporation, Muzaffarpur and a reasoned and a speaking order shall be passed, in accordance with law, within a period of four weeks thereafter.

It is needless to state that *status quo*, existing as on today *qua* the land/ hospital/ building of the petitioner in question shall be maintained till the final order is passed by the Municipal Commissioner, Muzaffarpur Municipal Corporation, Muzaffarpur.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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