

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6306 of 2023

Prashant Kumar Kashyap Son of Sri Umashankar Singh, Resident of Village-
Barashankar, P.S.- Patahi, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Urban Development and Housing Department Govt. of Bihar
2. The District Magistrate, East Champaran, Motihari.
3. The Municipal Commissioner, Motihari Municipal Corporation, East Champaran.
4. The Executive Officer, Nagar Parishad, Motihari, East Champaran.
5. The Junior Engineer, Nagar Parishad, Motihari, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pravin Kumar, Advocate
For the Respondent/s	:	Mr. Subhash Pd. Singh, GA-3
		Mr. Shiv Kumar, AC to GA-3
For Respondent no.3	:	Mr. Surendra Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 20-06-2023

In the instant case, the petitioner has prayed for the
following relief(s):-

“1. For issuance of a writ in the nature of the
Mandamus commanding and directing the
respondents to necessary order on the application
filed on 2.7.22 and 21.8.22 filed by the petitioner as
contained in annexure- 9 to the writ petition
whereby and where under till today no such order
has been passed by the competent authority i.e the
Municipal Commissioner, Motihari Municipal



Corporation, East Champaran (Respondent No.-3) regard to grievance of petition.

II) For issuance of a writ in the nature of Certiorari for quashing of the Letter No 2314 dated 03-08-2018 issued under the signature of the Executive Officer, Nagar Parishad Motihari, East Champaran (Respondent No.-3) as contained in annexure-7 to the writ petition whereby and where under the Petitioner has been directed to stop the construction upon the roof of the building situated near sadar hospital, Rajendra Market and Karpuri Market, Motihari, East Champaran till the further order of the District Collector, Motihari, East Champaran

III) For the issuance of a writ in the nature of Mandamus commanding and directing the respondents to allow the Petitioner for making construction upon the roof of building situated near sadar hospital Rajendra Market and Karpuri Market, Motihari, East Champaran in terms of agreement dated 31-03-2018 contained in annexure-5 to this writ petition prepared in between the petitioner and the respondent concern.

IV) For any other relief/reliefs for which the petitioner is entitled from the facts and circumstances of the case.”

2. Perusal of the record, it is evident that the petitioner has submitted appeal before the 4th respondent, the Executive Officer, Nagar Parishad, Motihari, East



Champaran.

3. On the other hand, learned counsel for the respondents submitted that appellate authority would be respondent no.3, the Municipal Commissioner, Motihari, Municipal Corporation, East Champaran. If it is so, the 4th respondent is hereby directed to transmit the paper to the 3rd respondent and qua, the 3rd respondent is hereby directed to take *suo motu* grievances of the petitioner and redress the same within a reasonable period of three months from today.

4. The 3rd respondent is hereby directed to communicate the decision taken by him to the petitioner at the earliest.

5. With the above observation, the instant petition stands disposed of.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	24.06.2023
Transmission Date	

