

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9938 of 2019

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Nand Kishore Sharma Son of Late Laxmi Narayan Singh Resident of House No. 412A, Lane No.23, Nehru Nagar, P.S.- Patliputra, Town and District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Municipal Commissioner, Patna Municipal Corporation, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Singh, Advocate Mr. Abhinav Shandilya, Advocate
For the Respondent/s	:	Mr. Arun Kumar, Advocate
For the PMC	:	Mr. Yashraj Bardhan, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 25-09-2023

Heard Mr. Vijay Kumar Singh, learned counsel appearing on behalf of the petitioner, Mr. Arun Kumar, learned counsel for the State and Mr. Yashraj Bardhan, learned counsel for the Patna Municipal Corporation.

2. The petitioner by preferring the present writ application seeks a direction upon the respondent authorities to grant post-facto sanction of map the petitioner's house bearing Tauzi No. 5236, Khata No. 475, Plot No. 1670(part), Mainpura, House No. 412(A), Lane No. 23, Mohalla – Nehru Nagar, District – Patna for which the petitioner had already submitted the map along with relevant documents and requisite fee of



Rs.2000/- vide Application No. 344 dated 01.12.2006.

3. It is submitted on behalf of the petitioner that on receipt of the application, Vigilance Case No. 518 of 2007 has been initiated, but unfortunately till date, the application for post-facto sanction has not been considered and disposed of. He next submitted that vide order dated 18.02.2000 in LPA No. 1036 of 1999, the Division Bench of the Hon'ble Court was pleased to direct that in case the owners of the houses, who contributed land so as to make the road 20 feet wide, as provided in the Draft Master Plan, the Patna Regional Development Authority may consider sanctioning their building plans ex post facto, however, despite the order of the Division Bench, they are sitting tight over the matter and not considered the application, all the more, when the petitioner is repeatedly filing the representation since then.

4. On the other hand, learned counsel for the municipal corporation submits that the writ petition has been filed after a delay of 13 years and on this score alone, the present writ petition is fit to be dismissed.

5. Having heard the parties and taking note of the fact that the petitioner had also filed a contempt application for initiation of a contempt proceeding against the respondent



before this Court, bearing MJC No. 2082 of 2016, which stood dismissed, as not maintainable. Furthermore, in any view of the matter, the delay of 13 years in approaching before this Court without there being any reason, is not at all justified.

6. The Apex Court in the case of *Surjeet Singh Sahni Vs. State of U.P and Others* reported in *2022 SCC Online SC 249*, has held that mere filing of representation does not extend the period of limitation and the aggrieved person has to approach the Court expeditiously within reasonable time.

7. In view of the aforesaid facts and the settled legal position, no case is made out for invoking the extraordinary jurisdiction of this Court.

8. It is needless to observe that the petitioner may avail other remedy, if available, under the law.

9. Accordingly, the present writ application stands disposed of.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.10.2023.
Transmission Date	NA

