

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10731 of 2019

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Shishir Kumar Singh Son of Late Awadhesh Kumar Singh Residing at
Mohalla Murlichak, Jagdeo Path, Rukanpura, P.S. hawaii Adaa (Airport),
Town and District patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and housing Department, patna. Bihar.
2. The Patna Municipal Corporation through its Municipal Commissioner.
3. The Municipal commissioner of the Patna Municipal Corporation, Patna.
4. Manoj Kumar Singh Son of Late Rajeshwar Singh Residing of Murlichak, Jagdeo Path, P.S. Hawaii Adda, Town and District patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Ranjan, Advocate Ms. Maria Nazir, Advocate
For the State	:	Mr. Yogendra Pd. Sinha (AAG-7) Mr. Rakesh Ambastha, AC to AAG-7
For the PMC	:	Mr. Jawed Gaffar Khan, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-07-2023 It is unfortunate that a citizen has to come to Patna High Court for a direction upon the authorities of Patna Municipal Corporation to do its duty and take cognizance of the complaint made by him and as the story unfolds, the Patna Municipal Corporation is sleeping over the matter.

Heard Ms. Maria Nazir, learned counsel for the petitioner as also Mr. Jawed Gaffar Khan, learned counsel appearing for the Patna Municipal Corporation.

The writ petition has been filed directing the Patna Municipal Corporation (respondent no. 2) to take appropriate



action against the respondent no. 4 alleging that it was brought to the attention of the PMC vide letter dated 06.02.2019 that a multi-storied building is being constructed close to his home in complete violation of the by-laws of the Corporation but it failed to take any action.

A counter affidavit on behalf of the respondent nos. 2 and 3 (the PMC) was filed on 29.08.2019 through Mr. Jawed Gaffar Khan, the panel lawyer of the PMC in which at paragraph 5, the following fact has been incorporated:

5. That with regard to the statements made in paragraph No. 1 of the writ petition it is stated that the team of Corporation has been taken measurement of the plot in question on 20/07/2019 and submitted the inspection report before the Municipal Commissioner for initiation of vigilance case under the provision of Bihar Municipal Act- 2007.

To a query, once the inspection of the site was done and a report dated 20.07.2019 was submitted by its official, whether any Vigilance Case was instituted or not and/or whether the same was taken to its logical conclusion or not, the learned counsel for the PMC do not have any information in this regard. It is clear, 'the PMC' has not provided any information, whatsoever, for the last four years.



This is the conduct of the PMC which takes care of the capital City of Bihar.

The writ petition stands disposed of with the direction to the respondent nos. 2 and 3, the Patna Municipal Corporation to take immediate cognizance of the matter, if not taken and take the same to its logical conclusion after putting all the relevant parties on notice. Needless to say, for the said conduct, they are liable to pay Rs. 5,000/- to the Patna High Court Legal Services Committee within a period of two weeks from today.

The Municipal Commissioner, Patna Municipal Corporation will be free to fix responsibility and also deduct salary from the said official after putting them on notice so that the Corporation exchequer should not suffer for the fault of the erring official.

Before parting, this Court would like to put on record its word of appreciation for Ms. Maria Nazir, learned counsel for the petitioner for the proper assistance rendered in the matter.

(Rajiv Roy, J)

Neha/Kiran/-

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