

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11216 of 2022

=====

Rajendra Singh son of Late Charan Singh, Resident of M/s Bhargo Saw Mill,
Compound, Mithapur, P.S.-Jakkanpur, 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.
4. The District Magistrate, Patna.
5. The Senior Superintendent of Police, Patna.
6. The Executive Officer, Patna Municipal Corporation, Nutan Rajdhani, Patna.
7. The Station House Officer, Jakkanpur Police Station, Patna.
8. M/S Kosut Builders through its Director Sri Kailash Prasad, Resident of
Mohalla-Bela Puranderpur, P.S.-Jakkanpur, Town and District-Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Vinay Mistry, Adv.
For the Respondent/s	:	Mr.Yogendra Pd. Sinha, AAG-7 Mr. Rakesh Ambastha, AC to AAG-7
For the PMC	:	Mr. Prasoon Sinha, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-05-2023 The present writ petition has been filed seeking the
following reliefs:-

“1. For issuance of a writ in the nature of
mandamus directing the Respondent No. 3-
Municipal Commissioner, Patna Municipal
Corporation, Patna, to depute a Magistrate for
demolition of "Set-Back" of the building of the
Respondent No. 8 on the basis of the report
submitted by the Enquiry Team of PMC, Patna
vide Letter No. 627 dated 15.09.2021



(Annexure-1) as the Respondent No. 8 has deliberately constructed the building in violation of "Sanctioned Plan" and in violation of Section 35 Read with Serial No. 6 of Table No. 10 & 11 of the Bihar Building Bye-laws, 2014.

(ii) For issuance of writ in the nature of mandamus directing the Respondent No. 3- Municipal Commissioner, Patna Municipal Corporation, Patna to also depute a Magistrate for making a fresh inspection of the building as whether the constructions has been made by the Respondent No. 8 from B+G+1 to B+G+5 after stopping of the further constructions by virtue of Notice bearing Letter No. 13150 dated 01.10.2021 (Annexure-2) in terms of the Memo No. 1421 dated 14.06.2022 (Annexure-7) issued by the Station House Officer, Jakkanpur Police Station, Patna.

(iii) For issuance of a writ in the nature of mandamus directing the Respondent authorities to demolish the unauthorized construction of building made by the Respondent No. 8 if it is found during the course of fresh inspection that the building has been constructed from B+G+1 to B+G+5 after stopping of the further constructions by virtue of Notice bearing Letter No. 13150 dated 01.10.2021 in the facts and circumstances of the case.”

The petitioner, in paragraph no. 12 of the present writ



petition, has stated that he has already filed a petition before the Patna Municipal Corporation, Patna, in Complaint Case No. 47-B of 2020-21 on 1.12.2022.

In such view of the matter, I deem it fit and proper to grant liberty to the petitioner to agitate his aforesaid grievances before the Municipal Commissioner, Patna Municipal Corporation, Patna.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

Ajay/-

U			
---	--	--	--

