

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12178 of 2019

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Rajesh Kumar, Son of Ratneshwar Prasad, Resident of Quarter No. 32, MIG Colony, P.S. Kankerbagh, District- Patna.

... .. Petitioner/s

Versus

1. The Patna Municipal Corporation through the Town Commissioner, Patna.
2. The Additional Commissioner, Patna Municipal Corporation.
3. The Director, Urban Planning, Patna Municipal Corporation.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Ranjan, Advocate
		Ms. Aastha, Advocate
For the Respondent/s	:	Mr. Prasoon Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 19-07-2023 Heard Mr. Sanjeev Ranjan, learned Counsel for the petitioner duly assisted by Ms. Aastha and Mr. Prasoon Sinha who represent the Patna Municipal Corporation.

The present petition has been filed on behalf of the petitioner challenging the order dated 08.06.2019 passed by the Additional Commissioner, Patna Municipal Corporation (Annexure 4 to the petition) by which he was informed about cancellation of the lease deed for its violation.

It has been contended by Ms. Aastha that relating to the same kiosk, a Title Suit No. 12 of 2008 has been preferred



by the petitioner in which status quo was granted by the learned Court. However, ignoring the same, the present direction.

A counter affidavit on behalf of the Patna Municipal Corporation has been filed and Mr. Prasoon Sinha has taken this Court to paragraphs 13 and 14 to show that in view of certain changes made by the petitioner, the letter in question was issued.

Be that as it may, when a Title Suit No. 12 of 2008 is pending before the concerned Court at Patna, any party aggrieved feeling violation of the interim order can approach that Court, whether it is petitioner or the Patna Municipal Corporation.

Without doing so, when the status quo order is there, any letter issued (Annexure 4) has got no meaning.

Mr. Prasoon Sinha has informed that although the other kiosk holders have been dispossessed, in view of the interim protection granted to the petitioner, no such step has been taken.

Taking into account the aforesaid submission put forward by the learned Counsel for the Patna Municipal Corporation, the petition stands disposed of with the observation that if any of the party has any grievance, he/she/P.M.C is well advised to approach the concerned Court in Title Suit No. 12 of



2008 for their redressal of their grievance.

The CWJC No. 12178 of 2019 stands disposed of.

Before parting, this Court would like to put on record its word of appreciation for Ms. Aastha, learned Counsel for the petitioner for the assistance rendered.

(Rajiv Roy, J)

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