

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13735 of 2019

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Rajesh Prasad S/o Late Niranjana Prasad Vill.- Kalyanpur, P.s.- Fatuha, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development, Govt. of Bihar, Patna
2. The Patna Municipal Corporation Maurya Lok Complex, P.s.- Kotwali, Town and Distt.- Patna through its Municipal Commissioner
3. The Municipal Commissioner Patna Municipal Corporation, Maurya Lok Complex, P.s.- Kotwali, Town and Distt.- Patna
4. The Director Town Planning, Patna Municipal Corporation, Maurya Lok Complex, P.s.- Kotwali, Town and Distt.- Patna
5. The Estate Officer Patna Municipal Corporation, Maurya Lok Complex, P.s.- Kotwali, Town and Distt.- Patna
6. The Executive Engineer Patna Municipal Corporation, Maurya Lok Complex, P.s.- Kotwali, Town and Distt.- Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Prasoon Sinha, Advocate
		Mr. Amarnath Kumar, Advocate

For the State	:	Mr. Kinkar Kumar, S.C. 9
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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

16 25-07-2023 Heard Mr. Binod Kumar Sinha as also Mr. Amarnath Kumar, Junior Counsel to Mr. Prasoon Sinha for the Patna Municipal Corporation as also S.C. 9

2. The writ application has been filed for the issuance of:

(a) a writ in the nature of *certiorari* for quashing the letter no.- 7356 dated 8.6.2019 issued



by the Director, Town Planning, Patna Municipal Corporation by which he has directed the petitioner to demolish his Kiosk no.- 13 situated at Maurya Lok Commercial Complex within a week failing which it will be demolished by the authorities and expenses would be recovered from him;

(b) for a writ in the nature of mandamus commanding the respondents to restore/reconstruct the Kiosk no. 13 of the petitioner which has been demolished by the order of Director, town Planning Patna Municipal Corporation vide letter no. 7356 dated 8.6.2019;

(c) for a writ, order, or direction to the respondents to rehabilitate the petitioner in campus for the illegal demolition of his Kiosk by the Patna Municipal Corporation.

3. So far as this petitioner is concerned, the lease period was for 15.07.2019.

4. The same was demolished on 16.06.2019 along with other kiosk.

5. Learned counsel for the petitioner submits that the Patna Municipal Corporation authorities even did not gave time



for removal of valuable items before demolishing the Kiosk. As such his case also comes in the category of the order passed by the Patna High Court in **C.W.J.C. No. 12297 of 2019 (Thakur Rama Raman Vs. The Patna Municipal Corporation & Ors.)** and **LPA No. 165 of 2020 (the Patna Municipal Corporation & Ors. Vs. Thakur Rama Raman)** and as such, he also entitled to the compensation amount.

6. Learned counsel for the Patna Municipal Corporation, on the other hand, submits that this case cannot be equated with the case of **Thakur Rama Raman (supra)** where the Court held that his business for the next three more years came to an end abruptly and as such, this petitioner is not entitled for Rs. 3,00,000/- (Three lakhs). The lease period of Thakur Rama Raman was upto the year 2022.

7. Although, there is point in the submission put forward by the learned counsel for the Patna Municipal Corporation that in this case, the lease period was coming to an end on 15.07.2019, nonetheless, without providing any opportunity to remove the valuable item in the Kiosk, it was demolished and as such, he is still entitled for reasonable amount. Thus calculating Rs. 50,000/- as cost of valuable items and Rs. 50,000/- as compensation, the petitioner is entitled to



Rs. 1,00,000/- (One Lakh only).

8. Accordingly ordered.

9. The Patna Municipal Corporation is directed to pay an amount of Rs. 1,00,000/- (one lakh) to the petitioner which shall be subject to satisfaction towards all his dues and entitlements against the Corporation as also that the parties shall withdraw all the petitions henceforth against each other.

10. With the aforesaid observation, the writ petition stands disposed of.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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