

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13779 of 2019

=====

Nand Kishore Gupta S/o Sri Ganga Vishnu Gupt Resident of Ward No. 33,
138A, Mohan Nagar, Koili Pokhar, P.s.- Rampur, Distt.- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna
2. The Divisional Commissioner Magadh Division, Gaya
3. The Municipal Commissioner Gaya Municipal Corporation, Gaya

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Parijat Saurav, Advocate
For the Respondent/s	:	Mr. Abbas Haider, SC 6
For the G.M.C.	:	Mr. Rabindra Kumar Priyadarshi, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 28-06-2023 Heard Mr. Parijat Saurav, learned Counsel for the petitioner and Mr. Rabindra Kumar Priyadarshi, learned Counsel appearing on behalf of the Gaya Municipal Corporation.

The petitioner has moved before this Court challenging the order of the Municipal Commissioner, Gaya Municipal Corporation, Gaya vide memo no. 1266 dated 26.06.2019 by which pursuant to the order of the Divisional Commissioner, Magadh Division, Gaya dated 26.06.2019, he was directed to demolish the legal construction within 30 days.

As per the counter affidavit filed on behalf of the Gaya Municipal Corporation duly signed by its Deputy



Municipal Commissioner, paragraph- 6 to 8 read as follows:-

“ 6. That notice issued on 18.02.2019 is returned unnerved on 23.02.2019. Thereafter on 26.06.2019 a fresh notice has been issued to the petitioner giving 30 days time for removal of illegal portion of construction which has been received on the same date i.e. 26.06.2019 against which the present writ application has been filed.

7. That it is further stated that the petitioner after received the notice dated 26.06.2019 preferred to file present writ application but not submitted any reply before either engineer concern or to the office of Municipal Commissioner. If the construction of the petitioner was according to the approved plan than it should have been explained before the site engineer/concerned assistant engineer in-charge of that ward/locality.

8. That it is submitted here that respondent authorities is still ready to consider the applications/representations of the petitioner if he has a bona fide case of construction.”

The sum and substance of the reply is that they will be treating this 26.06.2019 letter as a notice and the petitioner be directed to appear and place the materials to satisfy the authorities.

In the light of the said counter affidavit, the petitioner is ready to appear before the Gaya Municipal Corporation along



with the supporting documents.

The writ petition accordingly stands disposed of that if the petitioner appears before the Gaya Municipal Corporation within a period of four weeks from today, the authorities shall be duty bound to consider the matter and passed an appropriate order preferably within a period of three months from the submission of the representation.

(Rajiv Roy, J)

Neha/-

U			
---	--	--	--

