

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18397 of 2017

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1. Krishna Prasad and Ors S/o late Bifan Prasad
 2. Ashok Prasad S/o late Bifan Prasad
 3. Ajay Kumar @ Ajay Kumar Gupta S/o late Bifan Prasad All Residents of Budhane Gali Rang Bahadur Road, Piperpanti, P.S. Kotwali, Gaya, District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Gaya Municipal Corporation through its Municipal Commissioner, Gaya Municipal Corporation , Gay
3. Lila Devi W/o Late Krishna Singh Residents of Budhane Gali Rang Bahadur Road, Piperpanti, P.S. Kotwali, Gaya, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jai Ram Singh
For the Respondent/s : Mr. Y.P. Sinha-Aag7

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 26-04-2023 Heard learned counsel for the petitioner and learned counsel for the State along with the learned counsel for the Gaya Municipal Corporation, Mr. Ravindra Priyadarshi.

Learned counsel for the petitioner submits that the present writ application has been filed seeking quashing of the order dated 24.10.2017 passed by the Municipal Commissioner, Gaya Municipal Corporation in Case No. 90/12/2017 whereby the construction made by the petitioner has been held to be illegal on the ground that the required setback area as mandated by law was not adhered to and thus directed the petitioner to



demolish the illegal construction within fifteen days from the date of the order dated 24.10.2017 failing which the illegal construction would be demolished by the Corporation and the expenditure incurred on the demolition shall be realized from the petitioner.

Learned counsel next submits that the petitioner has already filed an appeal being Appeal no. 15(S) of 2017 before the learned Municipal Tribunal against the order dated 24.10.2017 in Case No. 19/12/2017 passed by the Municipal Commissioner, Gaya Municipal Corporation.

Learned counsel next submits that since the Municipal Tribunal was not functional, as such, the petitioner had to approach this Court by filing the instant writ application. Learned counsel next submits that the Municipal Tribunal has now become functional.

Learned counsel appearing for the Gaya Municipal Corporation also submits that since the Municipal Tribunal has become functional, as such, the writ application can be disposed of with a direction to the Municipal Tribunal to decide the appeal within a time frame.

Considering the submissions made by the learned counsel for the parties, the writ application is disposed of with a



direction to the learned Municipal Tribunal to dispose of the appeal expeditiously, preferably within a period of nine months from the date of receipt/production of a copy of this order if possible.

(Satyavrat Verma, J)

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