

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1652 of 2023

1. Sourav Kumar Son of Sri Dinesh Prasad Sah, Resident of Bus Stand, Main Road, P.O. and P.S.-Bahadurganj, District-Kishanganj, Pin-855101, Tentant in shop no. 32, 33 and Godown No.36 in basement of Agrawal Market, At Bhatta Bazar Road R.N. Show Chowk, P.S.-Sahayak Thana K. Hat, Town and District-Purnea, Pin-854301.
2. Ajay Kumar Saha Son of Late Chunni Lal Saha, Resident of Ward NO. 6, Main Road Kasba, P.S. and P.O.-Kasba, District-Purnea, Pin-854330.
3. Sanjay Kumar Kataruka, Son of Late Murari Lal Kataruka, Resident of R.N. Sah Road, P.O. and P.S.-Bhatta Bazar, District-Purnea, Pin-854301.
4. Raman Kumar Modi, son of Pawan Kumar Modi, Resident of Station Road Jalalgarh, P.O. and P.S.-Jalalgarh, District-Purnea, tentant in shop no.46 in ground floor of Agrawal Market, At Bhatta Bazar Road R.N. Show Chowk, P.S.-Sahayak Thana K. Hat, Town and District-Purnea, Pin-854301.
5. Sushila Dutt, Wife of Bhota Dutt, Resident of Navratna hata, P.O. and P.S.-Sahayak Thana K. Hat, District-Purnea, Pin-854301.
6. Jiwan Prakash Khanna, son of Ramji Khanna, resident of H. No. 198, Gurudwara Road, P.O. and P.S.-Purnea, District-Purnea, Pin-854301.
7. Sanjay Kalani, Son of Bal Kishan Kalani, Resident of H. NO.91, Parwati Hata, P.O. and P.S.-Sahayak Thana K. Hat, District-Purnea.
8. Saty Dev Sharma, son of Chunni Prasad Mistri, Resident of Navratan Hata, P.O. and P.S.-Navratan Hata, District-Purnea.
9. Rajeev Manjhi, son of Late Bhola Manjhi, Resident of Harda Bazar, P.O. and P.S.-Maranga, District-Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Urban Development and Housing Department, Government of Bihar, Patna.
2. The Commissioner, Purnea Division, Purnea.
3. The Collector, Purnea.
4. The Sub-Divisional Officer, Sadar Purnea.
5. The Superintendent of Police, Purnea.
6. The Town Commissioner, Purnea Municipal Corporation, Purnea.
7. The North Bihar Power Distribution Company Limited through the Executive Engineer, Electricity Supply Division (East and West), Purnea.
8. Sri Ramesh Chandra Agrawal, son of Late Ram Narayan Chandra, resident of R.N. Sah chowk, Ward no. 13, P.S.-K. Hat, District-Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s

:

Mr. J. S. Arora, Sr. Adv. with



For the State	:	Mr. Manoj Kumar, Adv.
For the Municipal Corporation	:	Ms. Indira Kumari, AC to AAG 7
For the NBPDC	:	Mr. Prince Kumar Mishra, Adv.
	:	Mr. Kunal Tiwary, ASC

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 10-10-2023

Heard Mr. J. A. Arora, learned senior counsel duly assisted by Mr. Manoj Kumar, learned Advocate for the petitioners and Mr. Prince Kumar Mishra, learned counsel representing the Purnia Municipal Corporation. North Bihar Power Distribution Company Limited is represented by Mr. Kunal Tiwary, learned counsel. Ms. Indira Kumari, learned counsel for the State is present.

2. The petitioners claimed to be tenant in the premises in question which stands sealed by the Municipal Commissioner, Purnia Municipal Corporation *vide* order dated 05.11.2022 in Vigilance Case No. 9 of 2022-23. A penalty of Rupees Ten Lakhs has also been imposed against the landlord of the premises.

3. It is fairly submitted on behalf of the petitioners that on being aggrieved by the afore-noted order, other tenants of the premises have approached before this Court in CWJC No. 17808 of 2022 and the same was disposed of vide order dated 25.04.2023 with liberty to the petitioners to approach before the Bihar Building Municipal Tribunal by preferring an appeal



under section 323(3) of the Bihar Municipal Act, 2007. Similarly, the land owner of the premises also approached before this Court in CWJC No. 769 of 2023 which also stood disposed of in terms of order dated 25.04.2023, passed in CWJC No. 17808 of 2022 with the similar liberty.

4. In the aforesaid premise, the petitioners also seek permission to withdraw the present writ petition with liberty to approach before the Bihar Municipal Building Tribunal in terms of the earlier orders passed by this Court, as noted hereinabove.

5. Mr. Mishra, learned counsel for the Purnea Municipal Corporation has no objection and submits that as per his instruction, the premises has already been unsealed and the electric connection has been restored to the tenants, including the petitioners and, as such, the substantive grievance of the petitioners stood redressed.

6. Be that as it may, considering the submissions, the present writ petition stands disposed of with liberty to the petitioners to approach before the Bihar Municipal Building Tribunal preferably within a period of four weeks. If the petitioners prefer such appeal, within the stipulated period, the interim protection granted by this Court *vide* order dated 25.04.2023 in CWJC No. 17808 of 2022 shall also be applicable



in the case of the petitioners.

7. It is needless to observe that the petitioners were *bona fidely* pursuing their remedy before this Court, the delay in preferring the appeal shall be considered sympathetically.

8. Accordingly, the writ petition stands disposed of.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	10.10.2023
Transmission Date	N.A.

