

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1287 of 2023

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Vijay Kumar Singh @ Bijay Kumar Singh Son of Late Ram Kishore Singh,
Resident of Village- Mahendrapur, P.S. Naya Gawn, District- Begusarai, at
Present Address Behind State Bank of India Ward No. 35, Mohalla Pokhariya,
P.S. Town Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development
Department Government of Bihar, Patna.
2. The Superintendent of Police, Begusarai.
3. The District Magistrate, Begusarai.
4. The Commissioner Nagar Nigam, Begusarai.
5. The Executive Engineer Nagar Nigam, Begusarai.
6. The S.H.O. Begusarai , Town P.S. Begusarai.
7. The Circle Officer, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Adv.

For the Respondent/s : Mr. Ghanshyam Sharma, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 21-08-2023

Heard Mr. Jai Prakash Singh, learned counsel
appearing on behalf of the petitioner and learned counsel for the
State as well as the Municipal Corporation, Begusarai.

2. The petitioner, being aggrieved by Memo No. 834
dated 20.05.2022 as contained in Annexue-1 issued by the
Municipal Commissioner, Begusarai Municipal Corporation,
approached before this Court with a further prayer to direct the



respondent authorities to sanction the map of the petitioner for construction of his dwelling house at Mauza Chak Gopal Pokhariya, Thana No.346, Khesra No.236, Ward No.35, Khata No.3, Tauzi No.764, 766 and 672 area 1 katha 6 dhoors situated in Mohalla Pokhariya P.S. Begusarai Town.

3. It is submitted on behalf of the petitioner that in light of the map sanctioned by the Municipal Corporation, Begusarai, the petitioner started construction over his house on the land mentioned hereinabove. However, in the meanwhile a complaint petition has been filed by one Ramanand Prasad Singh alleging therein that the house was being constructed without obtaining sanctioned map in violation of the provisions of the Municipal Act, 2007. Considering the aforesaid complaint, the impugned notice has been issued as contained in Memo No. 834 dated 20.05.2022 directing the petitioner to stop the work of construction of the building in question and ensure his presence before the undersigned along with all the relevant necessary documents, enclosing the sanctioned map. He further submits that an enquiry has also been conducted at the level of the Junior Engineer, Begusarai Municipal Corporation and it has been found that the house was being constructed according to the map bearing Map No. NN 264/2021-22 dated 22.12.2021.



However, the Junior Engineer has found some deviation in the sanctioned map and constructed house of the petitioner. It is further submitted that the aforesaid matter has been referred to the Commissioner, Municipal Corporation, Begusarai for passing appropriate order but till date no order has been passed in respect of sanction of new map as well as the order allowing the petitioner to start further construction of his house as per the new sanction map.

4. At this juncture, learned counsel for the respondents submits that since the matter is pending consideration before the Municipal Commissioner, Begusarai, the petitioner may be allowed to file a proper representation along with the necessary papers so that the final order be passed regarding the sanction of new map.

5. Considering the nature of dispute and the submissions made on behalf of the parties, the present writ application stands disposed of with a liberty to the petitioner to file a fresh representation along with the necessary papers before the Municipal Commissioner, Begusarai within a period of four weeks for ventilating his grievance.

6. If such representation is filed within four weeks, the respondent no. 4 shall be under obligation to consider the



claim of the petitioner and pass a reasoned and speaking order within a further period of eight weeks.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	22.08.2023
Transmission Date	N.A.

