

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1914 of 2024

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1. Rabia Anjum W/o Syed Shabbir Alam D/o Md. W.A. Anjum, Resident of C/o Wasimuddin Ahmad Anjum Plot No. 180A Patliputra Colony, P.S. Patliputra Colony Town and District - Patna, Pin Code - 800013.
 2. Syed Shabbir Alam, S/o Late Syed Mahfooz Alam, Resident of C/o Wasimuddin Ahmad Anjum Plot No. 180A Patliputra Colony, P.S. Patliputra Colony Town and District - Patna, Pin Code - 800013.

... .. Petitioner/s

Versus

1. The Municipal Commissioner, Patna Municipal Corporation Maurya Lok Patna.
2. S.N. Ziasuddin Gilani, S/o Rafiuddin Gilani, resident of 172D, P.S. Patliputra Colony, Patna Town and District Patna, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Shukla, Advocate
For the Respondent/s : Mr. Prasoon Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-07-2024 Heard Mr. Ravindra Kumar Shukla, learned Counsel

for the petitioners and Mr. Prasoon Sinha, learned Counsel

appearing on behalf of the Patna Municipal Corporation.

2. The present petition has been preferred for the
following reliefs:-

*(i) for issuance of a writ in the nature of
mandamus directing/commanding the concerned
respondent number 1 to take up the Complaint case
number Nil/2021 which is pending for adjudication
since 05/08/2021 and the issues raised there in be
adjudicated & decided within stipulated period of
time;*



(ii) this Hon'ble court is prayed to adjudicate and hold that the respondent No.2 has illegally and unauthorizedly constructed flats and several other constructions hazardous to life & safety and further problematic to free movement of four wheelers ignoring the sanctioned building plan over Plot number 182 C, Patliputra Colony Patna 800013.

3. This Court has repeatedly shown its anguish on the fact that a citizen has to move before this Court with a simple prayer, to direct the respondents to take up their petition to its logical conclusion.

4. Here is one such case. The petitioners claim themselves to be residents of Patliputra Colony, Patna and they are facing problem from the neighbour. Being law abiding citizen, they preferred complaint case before the appropriate authority, here, the Patna Municipal Corporation (which is part of the record as Annexure-3 to the petition) and a perusal of it clearly shows that the officials of the said Corporation received it on 02.09.2021.

5. It is his submission that despite passage of almost three years, the Corporation, for the reasons best known, are sitting tight over the matter forcing them to suffer everyday.

6. It is the contention of the learned Counsel



appearing on behalf of the Corporation that in case of filing of the Vigilance Case, the same is numbered within couple of days and it is ironical that here even the number is missing.

7. Mr. Shukla appearing for the petitioners submit that they have repeatedly enquired but have failed to get the number and in that background, were forced to move this Court.

8. Two sets of writ petitions were served upon the learned Counsel for the Corporation in the month of January, 2024. The Corporation as is its habit, files a reply only after the matter is taken up and adjourned. As the petitioners have already suffered for three years, this Court cannot adjourn the matter any further for want of reply.

9. The signature/receipt of the official of the Patna Municipal Corporation is on record (Annexure-3) and in that background, the Municipal Commissioner, Patna Municipal Corporation (respondent no. 1) is required to immediately take cognizance of the matter as also look into the functioning of his office as to why a case filed in the year 2021, even the number has not been provided.

10. In any case, the matter has to taken up immediately and after hearing the concerned party/parties including the petitioners and/or their representative, the same



has to be taken to its logical conclusion at an earliest and preferably before 31st December, 2024.

11. The writ petition stands disposed of with the aforesaid observations.

(Rajiv Roy, J)

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