

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2242 of 2024

1. Prakash Studio through its Proprietor Rajive Ranjan Mohini aged about 60 Years, Male Son of Rajhans Mohini. Resident of Usuf Bhawan, New Dakbunglow Road, P.S.-Kotwali, District-Patna (Bihar).
2. Raushan Brothers through its Proprietor Rakesh Kapoor, aged about 60 Years, Male, Son of Late Indra Raj Kapoor Resident of Usuf Bhawan, New Dakbunglow Road, P.S.-Kotwali, District-Patna (Bihar).
3. Khanna Store through its Proprietor Mr. Ravi Nath Khanna Store through its Proprietor Mr. Ravi Nath Khanna, aged about 62 Years, Male, Son of Daulat Ram Khanna. Resident of Usuf Bhawan, New Dakbunglow Road, P.S.-Kotwali, District-Patna (Bihar).
4. Lucknow Sweet House through its Proprietor Rajiv Khanna, aged about 50 Years, Female, Son of Late L.N. Khanna, Resident of Usuf Bhawan, New Dakbunglow Road, P.S.-Kotwali, District-Patna (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Building Constitution Department, Govt. of Bihar, Patna.
2. The Secretary, Building Constitution Department, Govt. of Bihar, Patna.
3. Patna Municipal Corporation through its Municipal Commissioner, Patna Municipal Corporation, Patna-800001,
4. The Municipal Commissioner, Patna Municipal Corporation, Patna-800001,
5. The Chief Municipal Engineer, Patna Municipal Corporation, Patna-800001,
6. Anwar Ahmed S/o Late Iqbal Ahmad of Usuf Bhawan, New Dakbunglow Road, P.S.-Kotwali, District-Patna (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sarvadew Singh, Adv.
For the State	:	Mr.Raghwendra Kumar, SC-22
For the Respondent/s	:	Mr.Parsoon Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-02-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1. (A) In the nature of Certiorari for setting aside/quashing the notices issued under Section 278 of Bihar Municipal Act, 2007 as contained in



Memo No. 2363, 2360, 2361, 2359 dated 01.02.2024 to the petitioners whereby and whereunder all the petitioners have been directed to vacate the Usuf Bhawan situated at Dakbunglow Chauraha within 15 days as the same has been declared dilapidated building.

(B) In the nature of Mandamus directing and commanding the respondent Municipal Corporation to produce the order dated 08.02.2021 passed in removal case (Apsaran Vad) No.1/2021 and quash the same as the same has been passed behind the back of the petitioners.

(C) In the nature of Mandamus directing and commanding the respondent authorities not to disturb the peaceful business of the petitioners which is running in the aforesaid building and further to hold and declare that the building is fit for habitation.”

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to approach the Municipal Commissioner, Patna Municipal Corporation, Patna, for redressal of their aforesaid grievances, by filing appropriate representation. Liberty so sought is granted.

3. It is needless to state that in case appropriate representation is filed by the petitioners, before the Municipal Commissioner, Patna Municipal Corporation, Patna, within a



period of four weeks from today, the same shall be considered, in accordance with law and a reasoned and a speaking order shall be passed, thereon, within a period of four weeks, thereafter and till then no coercive action shall be taken against the petitioners.

4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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