

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9926 of 2016**

=====

Lalan Prasad Son of Late Jwala Prasad resident of Madhuri Bhawan, Dr. N.C. Ghosh Lane, Yarpur, P.S. Gardanibagh, Patna

... .. Petitioner/s

Versus

1. The Commissioner, Patna Municipal Corporation and Ors
2. The Chief Engineer, Patna Municipal Corporation, Patna
3. The Executive Engineer, Nutan Rajdhani Anchal, Patna Municipal Corporation, Patna
4. Gopal Prasad Son of Late Kailash Ram resident of Back Side of Madhuri Bhawan, N.C. Ghosh Lane, Yarpur, Patna
5. Mahendra Ram Son of Guddu Ram resident of Back Side of Madhuri Bhawan, N.C. Ghosh Lane, Yarpur, Patna

... .. Respondent/s

=====

**Appearance :**

|                      |   |                                    |
|----------------------|---|------------------------------------|
| For the Petitioner/s | : | Mr.Ranjan Kumar Singh, Advocate    |
| For the State        | : | Mr.Prasoon Sinha, Advocate         |
| For PMC              | : | Mr. Sanjay Prakash Verma, Advocate |

=====

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      30-04-2024                      Heard learned counsel for the petitioner, the State as  
  
also learned counsel for the Patna Municipal Corporation.

2. The petitioner has prayed for the following reliefs:

*(i) for issuance of appropriate writ/writs, order/orders, direction/directions to the respondent No. 1 to 3 for clearing the illegal and unwarranted pathway laid on the private land of petitioner without any acquisition of*



*the land or the consent taken from petitioner, which has been done very illegally by respondent No. 1 to 3 for the reasons best known to them as well as for disconnecting the illegal joining of drainage pipe in the private drainage pipe of the petitioner by respondent No. 4 and 5.*

3. Despite the fact that the copy was served upon the Patna Municipal Corporation on 17.5.2016, there is no counter affidavit, as usual on behalf of the Corporation.

4. This Court has an option to impose heavy cost upon the Corporation for not filing counter affidavit for last eight years. However, this will not grant any relief to the petitioner who has preferred the writ petition eight years ago.

5. In that background, with the consent of the parties, the writ petition stands disposed of with a direction to the petitioner to approach the Patna Municipal Corporation by filing an appropriate petition before its Municipal Commissioner (respondent no.7) within four weeks from today. If such petition/representation alongwith all the relevant



documents is preferred before the Patna Municipal Corporation, the same shall be taken to its logical conclusion within a period of four months from the date the petition is preferred before the authorities.

(Rajiv Roy, J)

Ravi/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

