

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5695 of 2024

Vivek Narain Son of Sri Ishwar Narain Resident of 304, Shantikunj Apartment, T.N. Banerjee Road, Chajjubagh, P.S.- Gandhi Maidan, Patna.

... .. Petitioner/s

Versus

1. The Patna Municipal Corporation through its Commissioner, Mauraya Lok Complex, Patna.
2. The Municipal Commissioner, Patna Municipal Corporation, Maurya Lok Complex, Patna.
3. The Secretary, Shantikunj Owners Association, T.N. Banerjee Road, Chajjubagh, Patna.
4. Hitesh Sharma Resident of 403, Shantikunj Apartment, T.N. Banerjee Road, Chajjubagh, P.S.- Gandhi Maidan, Patna.
5. Hemant Sharma Resident of 404, Shantikunj Apartment, T.N. Banerjee Road, Chajjubagh, P.S.- Gandhi Maidan, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Chandan Jha, Advocate
For the Respondent/s : Mr.Prasoon Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-07-2024

Heard the parties.

2. The present petition has been preferred for restraining the Opposite Parties from making alteration/construction in Flat No. 403 and 404 of the Shantikunj Apartment and Order the Opposite Parties to remove the illegal alteration/construction already made therein and further directing them to restore the apartment in its original shape.

3. Learned counsel for the petitioner submits that respondent Nos. 4 and 5 have made deviations and despite repeated prayer/drawing the attention of the concerned authority, the Patna Municipal Corporation, no action is being



taken by it.

4. It is his submission that on 03.10.2023, a petition was submitted before the concerned authority, the Municipal Commissioner, Patna Municipal Corporation, Patna and Diary No. 1979 was allotted which is annexed as annexure- P/1 to the petition. He simply wants its disposal.

5. Mr. Prasoon Sinha, learned counsel appearing on behalf of the Patna Municipal Corporation submits that once a petition has been preferred under appropriate section of the Bihar Apartment Ownership Act, 2006, the same has to be taken to its logical conclusion.

7. Taking into account the aforesaid facts and the limited prayer, the writ petition stands disposed of directing the Patna Municipal Corporation (respondent No. 1 and 2) to take up the petition preferred by the petitioner (Annexure P/1-Diary No. 1971), issue notice to the concerned respondents and take the matter to its logical conclusion preferably within a period of 6 months from the date, the order is produced before him.

(Rajiv Roy, J)

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