

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5686 of 2024

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Kalawati Devi Wife of Keshav Prasad, Resident of Village- Gewal Bigha,
Post- Durgasthan P.S.- Rampur, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Gaya Municipal Corporation, through Town Commissioner, Gaya.
3. The Town Commissioner Gaya Municipal Corporation.
4. The Divisional Commissioner, Magadh Division, Gaya.
5. The Junior Engineer, Gaya Municipal Corporation, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh
For the Respondent/s : Mr. Government Pleader (4)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-09-2024 Heard the parties.

2. The present writ petition has been preferred for the
grant of following relief/s:-

*seeking quashing of the order dated
31.01.2024 contained in Memo No. 241/Gen
passed by the Municipal Commissioner,
Gaya in the authorized Construction Case
No. 37/34/18 whereby and where under the
petitioner has been directed to remove the
alleged unauthorized construction within a
period of 7 days failing which the same shall*



be removed by using force at the cost of the petitioner and further directed to the petitioner to deposit Rs. 2,66,435.00 (Two Lakhs Sixty-six thousand Four hundred Thirty-five Rs.) of penalty and further to stay the operation of the order dated 31.01.2024 during pendency of the present writ application and/or for any other relief or reliefs to which the petitioner may be found entitled to in course of hearing of this writ application.

3. In paragraph 10 of the Counter Affidavit, filed on behalf of the respondent No. 2 to 5, it has been recorded that the petitioner has failed to enforce the statutory remedy under the Bihar Municipal Act, 2007 by filing an appeal before the tribunal.

4. Learned counsel for the petitioner submits that she shall be filing an affidavit in next 4 weeks but as the writ petition was filed there has been some delay.

5. In that background, writ petition stands disposed off with liberty to the petitioner to file a proper appeal before the tribunal in next 4 weeks. If the same is filed within



stipulated period, the Tribunal shall take up the limitation petition and pass an appropriate order taking into account the facts that he was pursuing remedy before the Writ Court.

6. The present writ petition stands disposed of.

(Rajiv Roy, J)

Nirajkrs/-

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