

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11294 of 2022

1. Ramesh Kamal Ratnam S/o Ramesh Nandan Sinha Resident of Flat No. 601, OM Samriddhi Apartment, Ward No. -17, Arya Samaj Mandir Road, Near Pani Tanki, P.S.-Danapur, Sub-Division-Danapur, Block-Danapur, Distt.-Patna.
2. Smt. Gunjan Sarkar, W/o Vivek Kumar Sinha, Resident of Flat No. 602, OM Samriddhi Apartment, Ward No. -17, Arya Samaj Mandir Road, Near Pani Tanki, P.S.-Danapur, Sub-Division-Danapur, Block-Danapur, Distt.-Patna.
3. Ashok Kumar Sinha, S/o Arjun Prasad Sinha, Resident of Flat No. 308, OM Samriddhi Apartment, Ward No. -17, Arya Samaj Mandir Road, Near Pani Tanki, P.S.-Danapur, Sub-Division-Danapur, Block-Danapur, Distt.-Patna.
4. Kumar Dharmendra Kishore, S/o Ravindra Prasad Singh, Resident of Flat No. 307, OM Samriddhi Apartment, Ward No. -17, Arya Samaj Mandir Road, Near Pani Tanki, P.S.-Danapur, Sub-Division-Danapur, Block-Danapur, Distt.-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar represented through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Urban and Housing Development Department, Govt. of Bihar, Patna.
3. The Commissioner, Patna Division, Patna.
4. The District Magistrate, Patna.
5. The SDM, Danapur, Patna.
6. The Addl. Superintendent of Police, Danapur, Patna.
7. The Station House Officer, Danapur, Patna.
8. The Executive Officer, Nagar Parishad Danapur, Distt. Patna.
9. Mahesh Prasad S/o Shiv Pujan Sah, Resident of Flat No. 406, Om Samriddhi Apartment, Ward No. -17, Arya Samaj Mandir Road, Near Pani Tanki, P.S.-Danapur, Sub-Division-Danapur, Block-Danapur, Distt.-Patna.
10. Sanjeev Kumar S/o Trivenik Sharma, Resident of Flat No. 506, Om Samriddhi Apartment, Ward No. -17, Arya Samaj Mandir Road, Near Pani Tanki, P.S.-Danapur, Sub-Division-Danapur, Block-Danapur, Distt.-Patna.
11. Rakesh Raman, S/o Lt. Revti Raman Prasad, Resident of Flat No. 704, Om Samriddhi Apartment, Ward No. -17, Arya Samaj Mandir Road, Near Pani Tanki, P.S.-Danapur, Sub-Division-Danapur, Block-Danapur, Distt.-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prashant Kashyap, Advocate Mr. Rakesh Chandra Varun, Advocate
For the State	:	Mr. Yogendra Pd. Sinha, A.A.G.-7



For the Resp. Nos.9 to 11 : Mr. Ravi Prakash, Advocate
For the Nagar Parishad : Mr. Ashok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 22-07-2024 Heard learned Counsel for the petitioner, the State, the Nagar Parishad, Danapur Nizamat as also respondent nos. 9 to 11 who are the affected parties and who have petitioned before the Danapur Nizamat.

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

(a) for quashing and setting aside the order dated 15.07.2022 passed by the Executive Officer, Nagar Parsihad Danapur (Respondent No.8) without adhering to the principles of natural justice no notice or opportunity of hearing was granted to the petitioners before passing the impugned order;

(b) commanding the respondents to ensure safety and security of the petitioner's flats as the private respondents who are influential people claiming their big clout in bureaucratic and political circles, also strong in money and muscle power have been continuously giving threats of doing all kinds of harm to the petitioners and to their families.

3. The case is that both the petitioners as also the respondent nos. 9 to 11 are residing in Om Samridhi Apartment



under Ward No.-17, Arya Samaj Road, R.P.S. More, Danapur, Patna. The respondent nos. 9 to 11 have petitioned before the respondent-Nagar Parishad, Danapur Nizamat alleging that in the common area, the petitioners have fixed a grill thus blocking their access to it.

4. Learned Counsel for the petitioners who are now aggrieved by the memo no. 1917 dated 21.06.2024 issued by the Executive Officer, Nagar Parishad submits that two flats facing each other is/are there on the floor and a temporary grill has been fixed on that part only which in no case affects the private respondents.

5. He however submits that the petitioners are ready to appear with all the documents before the concerned authority pursuant to the notice dated 21.06.2024 but till a decision is taken, the removal part should be protected.

6. Both the learned Counsels appearing on behalf of the Nagar Parishad as also respondent nos. 9 to 11 submit that in case, till the decision is not taken, the petitioners want protection, a time frame must be fixed so that the Nagar Parishad concludes the hearing and passes an appropriate order at an earliest.

7. The submissions put forward by the parties whether



the petitioner or the respondent is/are just and proper.

8. A notice has been issued, it would be proper that the petitioners appear and file their respective individual reply as also other flat owners who may be affected can file their response whereafter the Executive Officer, Nagar Parishad will take a decision.

9. In case, either the petitioners or the respondents tried to delay the process, the Nagar Parishad will go ahead and after hearing the parties and getting an Inspection Report through its official will pass a reasoned order within three months from the date, the parties appear pursuant to the notice dated 21.06.2024 issued by it.

10. The writ petition stands disposed of.

11. Till the order is passed, the status-quo as existing today shall be maintained.

12. It is made clear that the moment the Executive Officer, Nagar Parishad passes an order, the interim order passed today shall merge with the said order.

(Rajiv Roy, J)

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