

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11388 of 2024

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1. Ajit Kumar Son of Late Nand Kishor Yadav, Resident of Village/Mohalla - Chocki Delha, P.O. - Delha, P.S. - Delhi, District- Gaya.
 2. Sujit Kumar, Son of Late Nand Kishor Yadav, Resident of Village/Mohalla - Chocki Delha, P.O. - Delha, P.S. - Delha, District- Gaya.
 3. Anil Kumar, Son of Late Nand Kishor Yadav, Resident of Village/Mohalla- Chocki Delha, P.O. - Delha, P.S.- Delha, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Deptt. Govt. of Bihar, Patna.
2. The Municipal Commissioner, Gaya Municipal Corporation, Gaya.
3. The Mayor, Gaya Municipal Corporation, Gaya.
4. The Deputy Mayor, Gaya Municipal Corproation Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Narendra Kumar Singh, Advocate
For the Respondent/s	:	Mr. Swapnil Kumar Singh, AC to GP-19 Mr. Rabindra Kumar Priyadarshi, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-08-2024 Heard the parties.

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

“(i) For quashing of the letter no. 1575 dated 13.06.2024 by which the Municipal Commissioner, Gaya Municipal Corporation, Gaya (Respondent No. 2) directed the petitioners to pay the Rs. 93,795/- (Ninety Three Thousand, Seven



Hundred and Ninety Five Rupees only) and further directed to remove the unauthorized construction alleged to be made over the plot no. 8804 without sanction of the map in ward no. 02 situated in Mohalla Chothi Delha in Gaya and also directed to inform the undersigned whereas the fact is that the said building is more than one hundred years old and the dilapidated condition of the said building requires some repaired work which was conducted by the petitioner for the purpose to live therein and as such the action of the respondents is quite illegal, arbitrary and mala fide.

(ii) For grant such other relief(s) for which the petitioner are found to be entitled in the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that his building is hundred years old and as such certain modifications were being made, inadvertently, did not submitted any application for approving the same but later submitted an application to this effect on 26.04.2022 (Annexure-3 series).



4. He submits that vide letter no. 1575 dated 13.06.2024 (Annexure-4 to the petition), the Municipal Commissioner, Gaya, Municipal Corporation (respondent no. 2) has demanded Rs. 93,795/- within a week and also to remove the structure failing which appropriate action shall be taken against him.

5. In view of the nature of the prayer for which the writ petition has been filed, instead of directing the Gaya Municipal Corporation to file counter-affidavit, this Court deems it appropriate that the petitioner approaches the Municipal Commissioner, Gaya alongwith his proper reply to the notice and satisfy the concerned authority. He shall also be duty bound to provide all the documents which he has submitted to get the map sanctioned post facto. The entire exercise is to be completed by the petitioner in next two weeks.

6. If such petition is preferred within two weeks and not thereafter, the respondent no. 2, the Municipal Commissioner, Gaya Municipal Corporation shall be taking appropriate steps and after hearing the necessary parties will pass an appropriate order in accordance with law. The exercise has to be completed in next three months.

7. Till an order is passed by the Municipal



Commissioner, Gaya, Municipal Corporation, the letter no. 1575 dated 13.06.2024 shall remain in abeyance and will merge with the final order passed by the respondent no. 2.

8. The entire order has been passed in the presence of learned counsel appearing on behalf of the Gaya Municipal Corporation who has undertaken to communicate the same to the concerned authority in course of the day.

9. The writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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