

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12333 of 2024

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Girdhari Lal Choudhary S/o Late Bhagwan Lal Choudhary, R/O- 1st Floor,
Vaccine House, Vijayanandan/Vijayaman Apartment, P.S- Kankarbagh, District-
Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. Patna Municipal Corporation, Maurya Lok Complex, Buddha Marg, Patna.
3. The Municipal Commissioner, Patna Municipal Corporation, Patna.
4. The Executive Engineer, Kankarbagh Work Division, Patna Municipal Corporation, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Diwakar, Advocate
For the Respondent/s : Mr.Standing Counsel (25)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-08-2024 Heard the parties.

2. The petitioner has prayed for the following reliefs:

(i) for issuance of
order(s)/direction(s) or writ(s) in
the nature of Mandamus, directing
the respondent authority to expedite
the proceedings in Vigilance Case
No. 8513/2000 linked with Vigilance
Case No. 67A/2018, whereby and
where under a final order was
passed by Respondent No. 3 vide



order dated 28.08.2018, against which an appeal was preferred before Municipal Building Tribunal, Patna being M.B.T. Appeal No. 05(S)/2018 where vide order dated 05.10.2018 the case was remanded back to Respondent No.3 by M.B.T., Patna with a further direction of hearing all the Respondents (including Intervener Petitioners like present Petitioner also) and passing a fresh order in accordance with the law, where after the case is still pending before Respondent No. 3. without any further adjudication as the learned court of Respondent No. 3 is not being held regularly where in the past two years on 27 dates from 07.01.2023 to 15.06.2024 the court of Respondent No. 3 was supposed to be held but learned court sat for only once on



11.02.2023 and on that date also the case of the Petitioner was not taken up, because of this the Petitioner is suffering irreparably;

(ii) for issuance of further order(s)/ direction(s) or writs) in the nature of Mandamus, after fixing a particular date (at earliest) directing the Respondent Authorities to take up the case of the Petitioner on that date and where the Respondent Authorities shall ensure the conclusion of Vigilance Case No. 85B/2000 linked with Vigilance Case No. 67A/2018 after conducting the complete proceedings of the case in the manner of 'day to day trial/ hearing in order to reach up to the final order judgment for safeguarding the interest of Justice to the Petitioner and other similarly affected persons;



(iii) for issuance of any further order (s)/direction (5) of writ(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the instant case.

3. The Vigilance Case No. 85B of 2000 with Vigilance Case No. 67A of 2018 after first round went in Municipal Building Tribunal Appeal No.05(S)/2018 which was disposed of on 05.10.2018 remitting the matter back to the Patna Municipal Corporation to be decided afresh.

4. Learned counsel for the petitioner submits that for last six years, the matter has remained pending without any break through.

5. From the record, it seems that only adjournment has been made in the matter.

6. In that background, the writ petition stands disposed of with a direction to the Municipal Commissioner, Patna Municipal Corporation to take up the matter and the same be taken to its logical conclusion maximum by 31st December, 2024.

7. It is made clear that on each and every date, the ordersheet should be maintained and if there is delaying tactics



on behalf of the petitioner and/or the other side, the same may
be part of the record.

(Rajiv Roy, J)

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