

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13749 of 2024

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1. Deep Chhanda Ghosh W/o Late Mahasay Alok Nath Ghosh Resident of M.T.N. Ghosh Road, Post- Champanagar, P.S.- Nathnagar, District- Bhagalpur.
 2. Mukta Ghosh, D/o Late Mahasay Alok Nath Ghosh, Wife of Soumya Roy Choudhary Resident of M.T.N. Ghosh Road, Post- Champanagar, P.S.- Nathnagar, District- Bhagalpur, presently, resident of C-141 Flat No.- 7, 4th Floor, Street No.- 3, 100 Feet Road Chhattarpur Enclave, Phase-2, Chattarpur, P.O. and P.S.- Chattarpur, District- South Delhi, Delhi- 110074.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Nagar Vikash, Government of Bihar, Patna.
2. The District Magistrate, Bhagalpur.
3. The Town Commissioner, Nagar Nigam, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Pramod Mishra, Advocate
For the State	:	Mr. Wasi Mohammad, AC to SC-6
For MC, Bhagalpur	:	Mr. Manoj Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-09-2024 Heard Mr. Pramod Mishra, learned counsel for the petitioners as also Mr. Manoj Kumar Sinha representing Bhagalpur Municipal Corporation and Mr. Wasi Mohammad, learned AC to SC-6.

2. The petitioners have prayed for the following reliefs:

*(i) for issue appropriate order
/direction, direction/directions
writ/writs, preferably in the nature*



of mandamus, commanding and directing the respondent authorities to demolish the very old and damaged (ramshackle building) which was built in the year 1930 i.e. about 100 years ago appertaining to Khata No.412, Khesra No.720 and 717 situated/standing at Nathnagar Gudri Bazar, P.S. Nathnagar, District Bhagalpur which may be fallen/breakdown on any day due to its जर्जर condition and in that situation huge casualties will be caused because the said building is situated in Gudri Bazar which is densely populated area, but the shopkeepers/persons residing in the said old building are not vacating/leaving the building even after repeated requests made by the petitioners and despite



apprising all the situations to the respondent authorities by the petitioners by way of filing representations dated 06.5.2024 and 25.07.2024, respondent authorities are not taking any action in this regard and sitting tight over the matter, the reason best known to them;

(ii) any other relief/reliefs which this Court may think fit and proper in the facts and circumstances of this case.

3. Learned counsel for the petitioners submit that the building in question (khata no. 412, khesra no. 720 and 717) in Nathnagar in the district of Bhagalpur is century old and in a bad condition and as such they are apprehensive that it may collapse causing danger to the lives and properties of others. He as such submits that Bhagalpur Municipal Corporation has to look into it and pass an appropriate order.

4. Learned counsel appearing on behalf of Bhagalpur Municipal Corporation submits that if fresh petition with



requisite fee is submitted, necessary steps shall be taken into the matter.

5. Accordingly, the writ petition is disposed of with liberty to the petitioners to approach the said respondent within a period of four weeks from today.

6. If such petition alongwith requisite fee is submitted by the petitioners, the Bhagalpur Municipal Corporation shall look into the matter and after getting the report, pass an appropriate order at the earliest.

(Rajiv Roy, J)

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