

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14370 of 2023

Kalabanti Devi @ Kalawati Devi Wife of Ram Prasad Mehta, Resident of Sheektla Mandir Road, Agamkuan, Chhoti Pahari, P.S. Agamkuan, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary of Municipal Department, Bihar.
2. The Patna Municipal Corporation, through the Municipal Commissioner.
3. The Municipal Commissioner, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Adv.
For the Respondent/s : Mr. Abbas Haider (Sc6)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 15-07-2024 Heard the parties.

2. The present writ petition has been preferred for issuance writ in the nature of mandamus or any writ/writs, direction/directions upon the respondents for sanctioning of map which is pending before Respondent Authority since 07.12.2022 for construction of building over the land of the petitioner belonging to Plot No. 339, Azimabad Circle Patna City, Municipal Ward No.56 situated at Sheetla Mandir Road, Chhoti Pahari, Thana No.14, Patna City, Patna and also to stay

2. The present writ petition has been preferred for issuance writ in the nature of mandamus or any writ/writs, direction/directions upon the respondents for sanctioning of map which is pending before Respondent Authority since



07.12.2022 for construction 2. The present writ petition has been preferred for issuance writ in the nature of mandamus or any writ/writs, direction/directions upon the respondents for sanctioning of map which is pending before Respondent Authority since 07.12.2022 for construction of building over the land of the petitioner belonging to Plot No. 339, Azimabad Circle Patna Citof building over the land of the petitioner belonging to Plot No. 339, Azimabad Circle Patna Citof execution of order dated 31.07.2023 passed by Respondent No.3 upon the under construction building of the petitioner's son which is constructed by the son of the petitioner on the basis of provisional sanction letter dated 07.12.2022 for construction over the said land.

3. Though the petitioner wants sanctioning of the map, there are some disputes regarding submission of request *inasmuch* as the stand of the Patna Municipal Corporation is that no such application was ever submitted.

4. A perusal of Paragraph-11 would show that pursuant to the Vigilance Case No. 16B/2023 instituted by the Patna Municipal Corporation followed by order, an appeal has been preferred by the son of the petitioner vide Municipal Appeal No. 35N of 2023 before the Municipal Building



Tribunal, Patna which is still pending.

5. In that background, learned counsel for the petitioner submits that the said Tribunal be directed to dispose of the appeal at the earliest.

6. Mr. Prasoon Sinha, learned counsel for the Patna Municipal Corporation has no objection.

7. In that background, the writ petition stands disposed of directing the Municipal Building Tribunal, Patna to dispose of the Appeal No. 35N of 2023 at an earliest after hearing the parties preferably by 31st December 2024.

(Rajiv Roy, J)

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