

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17090 of 2023

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Rajendra Sharma S/o Late Ram Charitra Sharam, resident of 1514, Sumitra Sadan, Swaraj Path, Tilak Nagar (East), Kankarbagh, Sampatchak, Patna-800020, Bihar.

... .. Petitioner/s

Versus

1. The Chairman, Municipal Building Tribunal Patna.
2. Patna Municipal Corporation through the Municipal Commissioner, Maurya Lok, Patna.
3. Municipal Commissioner, Patna Municipal Corporation, Maurya Lok, Patna.
4. Smt. Maya Sinha, W/o Late Jhoolan Singh, resident of Swaraja Path, Tilak Nagar (East), Kankarbagh, Patna-800020, Bihar.
5. Sanjay Kumar Sinha, s/o Late Ramesh Pd. Sinha, resident of Swaraja Path, Tilak Nagar (East), Kankarbagh, Patna-800020, Bihar.
6. Maheshwar Singh, S/o Late Achhewar Singh, resident of Swaraja Path, Tilak Nagar (East), Kankarbagh, Patna-800020, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ankit Katriar, Advocate.
For the PMC	:	Mr.Prasoon Sinha, Advocate.
		Mr. Amarnath Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 25-01-2024

Heard Mr. Ankit Katriar, learned counsel appearing on behalf of the petitioner and Mr. Prasoon Sinha, learned counsel along with Mr. Amarnath Kumar, learned counsel for the Patna Municipal Corporation.

2. Mr. Prasoon Sinha, learned counsel appearing on behalf of the Patna Municipal Corporation informs that a team has been constituted to look into the encroachment made by the either party i.e. petitioner and respondent nos. 4 to 6.

3. This Court finds that the Municipal Commissioner,



Patna must exercise his power with strong will to remove such encroachment to satisfy himself so that he can implement the Master Plan of 2031 in all area / Mohalla of the City.

4. Considering the fact that the petitioner has already availed alternative remedy before the Municipal Building Tribunal in Appeal No. 2(s) of 2019, the writ petition is disposed of with liberty to the parties to avail appropriate remedy.

5. Considering the fact that a petition is pending before the Municipal Building Tribunal, the petitioner may file petition for day to day hearing of the case and after hearing all the interested parties, he is required to pass order in all the cases which relate to the road in question. The parties are at liberty to inform their cases filed by them which are pending before the Tribunal.

6. The Municipal Commissioner, Patna must not also refrain from participating in the proceeding by submitting information with respect to removal of alleged encroachment on the basis of report submitted by the Committee as the Tribunal has been directed to hold day to day hearing.

7. The Committee is directed to submit report within four days from the date of communication of this order.



8. Considering that the Tribunal has to decide the dispute between the parties within a period of two weeks on day to day basis of hearing, respective parties are directed to appear before the Tribunal on 29.01.2024 at 11 A.M. in person or through their representative without fail.

9. In case of failure of making attendance by the interested parties before the Tribunal, the Tribunal may consider not to take up their cases and decide the matter on the basis of the report considering the easementary right of the residents of the locality.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	25.01.2024
Transmission Date	N.A.

