

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16734 of 2023

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Vinay Kumar Son of Late Rambabu Sao, Resident of Old Jakkanpur, P.O.-
G.P.O., P.S. - Jakkanpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Nagar Vikash Bhawan, Patna.
2. The District Magistrate Cum Collector, Patna.
3. The Sub- Divisional Officer, Patna.
4. The Commissioner, Patna Municipal Corporation, Patna.
5. The Executive Engineer, Nagar Vikash Pramandal, Nutan Rajdhani, Anchal Kshetra, Patna.
6. Prem Prakash @ Dina Mahto, Son of Late Baidyanth Mahto, Resident of Old Jakkanpur, P.O.- GPO, P.S. -Jakkanpur, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Dhanesh Shankar Vidyarthi, Advocate
For the Respondent/s	:	Mr. Deepak Kumar, AC to AAG 7
For the PMC	:	Mr. Amarnath Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 08-01-2024

Heard Mr. Dhanesh Shankar Vidyarthi, learned counsel appearing on behalf of the petitioner; Mr. Deepak Kumar learned AC to AAG 7 for the State and Mr. Amarnath Kumar, learned counsel for the PMC.

2. Learned counsel appearing on behalf of the petitioner informs this Court that the Municipal Commissioner has proceeded to issue notice, as contained in letter no.6665 dated 05.06.2023 and has directed the petitioner not to further construct the building.



3. The case of the petitioner is that the construction work was in progress in accordance with the sanctioned map of the building. The notice contained in letter no.6665 dated 05.06.2023 has been issued without serving any inspection being conducted in the presence of the petitioner or even serving an exparte report of inspection, if any, to the petitioner. He emphatically submits the notice being without jurisdiction is fit to be quashed.

4. Considering the aforesaid submission made by learned counsel on behalf of the petitioner, the Municipal Commissioner is directed to provide the inspection report along with a notice to the petitioner, so that, he may avail the opportunity to rebut the same by representing before him or Building Tribunal, as the case may be, for redressal of his grievance. The Municipal Commissioner must see that the authorized architect and all the concern must also submit their report with respect to any deviation from the sanctioned map relating to the building of the petitioner.

5. The above exercise is directed to be completed within a period of six weeks from the date of communication of this order.

6. In case of failure to act within the time prescribed



by this Court, the notice contained in letter no.6665 dated 05.06.2023 will automatically lose its force for having not fulfilled the requisite condition.

7. With aforesaid observations and direction, the present writ petition is disposed of.

(Purnendu Singh, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.01.2024
Transmission Date	NA

