

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2157 of 2024

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Jitendra Prasad Sah Son of Late Sitaram Sah, Resident of Nayachak Lane,
Patel Nagar, Sikandarpur, P.S.- Mojahidpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Bhagalpur.
3. The Sub-Divisional Officer, Bhagalpur Sadar.
4. The Municipal Commissioner, Municipal Corporation, Bhagalpur.
5. Ravi Kumar, Son of Budhdeo Rajak, Resident of Patel Nagar, Sikandarpur,
P.S.- Mojahidpur, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Pankaj Kumar, Advocate
For the Respondent/s	:	Mr.Jitendra Kr. Roy No.1, SC-13
		Mr.Bijay Bhushan Prasad, AC to SC-13

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 29-04-2024 1. The present writ petition has been filed seeking the
following relief(s):-

“1(I) For quashing of the order contained in Memo dated 10.11.2023 passed in Illegal Construction Case No.02 of 2023 by the Nagar Ayukta (Municipal Commissioner) Municipal Corporation, Bhagalpur (Annexure-5 to the writ petition), by which the petitioner has been directed to deposit Rs.5694/- (Rupees Five Thousand six hundred ninety four) for demolition/removal of illegal construction without any measurement and spot verification in



presence of the petitioner.

(II) For a direction to the respondent No.4 not to demolish the old legally made construction by the petitioner i.e. as per approved Map of Municipal Corporation, Bhagalpur in the year, 2000 in the light of the order dated 10.11.2023 (Annexure-5 to the writ petition) during the pendency of the writ petition.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the order dated 10.11.2023, passed by the Municipal Commissioner, Municipal Corporation, Bhagalpur, by filing appropriate appeal, before the Municipal Building Tribunal, Patna. Liberty so sought is granted.

3. It is needless to state that in case appropriate appeal is filed by the petitioner within a period of four weeks from today, the same shall be considered by the learned Tribunal on merits and appropriate orders shall be passed, in accordance with law, forthwith.

4. In order to enable the petitioner to file appropriate appeal, alongwith a petition for grant of interim orders, this Court deems it fit and proper to direct the respondent-authorities



to maintain status quo, existing as on today, qua the land/house of the petitioner in question for a period of four weeks from today.

5. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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