

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1780 of 2018

Dr. Sanjay Kumar Singh Son of Sri Brij Kishore Prasad Singh, Resident of Near Vetnary Hospital, P.O. and P.S. Chapra, District saran at Chapra, Presently resident of Flat No. IB, Krishna Kunj Apartment, Road No. 1-D, Near Patliputra Colony, Patna-800012, P.S. Patliputra, District Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Patna Municipal Corporation Though its Commissioner, Patna.
3. The Commissioner, Patna Municipal Corporation, Patna.
4. The State Fire Protection Officer-Cum-Director Fire Protection Department, Bihar, Patna.
5. Ashok Kumar Sinha, Son of Late Kameshwar Prasad Singh, resident of I.A.S. Colony, P.O. and P.S. Danapur Cantt. the Managing Director of M/S Replica Estate Private Limited, Having its registered Office at Shail Villa, 67 Kavi Raman Path, Nageshwar Colony, patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mrs. Sangeeta Sharma, Adv.
For the Respondent/s	:	Mr. Kinkar Kumar- SC9
For PMC	:	Mr. Bindhyachal Singh, Sr. Advocate.
	:	Mr. Vipin Kumar Singh, Adv.
	:	Ms. Nikita, Adv.
For Respondent No.5	:	Mr. Jitendra Singh, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

18 23-09-2024 Heard Mrs. Sangeeta Sharma, learned counsel for the petitioner, Mr. Jitendra Singh, learned Senior Counsel for Respondent no.5, Ms. Susmita Sharma, learned AC to SC-9 for the State along with Ms. Nikita appearing for Patna Municipal Corporation.

2. The present writ petition has been preferred for the grant of following relief/s:-

“1. The respondent nos.2 & 3 may be commanded to ensure compliance of all the relevant provisions of the Building Byelaws in construction of Krishna Kunj Apartment, G.D.



Mishra Road, Patliputra, Patna and in case of finding any deviation from the approved map, the same may be directed to be removed;

II. Respondent nos.2 & 3 may be further commanded to get an audit made by respondent installation ensure and no.4 of the firing fighting instruments in the building, in accordance with the Building Byelaws of Patna Municipal Corporation as well as the National Building Code;

III. All the illegal constructions/obstructions made by the Builder may be directed to be removed and compliance of the building necessities be ensured;

IV. Any other relief/reliefs to which the petitioner may be found deemed entitled to in the facts and circumstances of the case.”

3. Pursuant to the last order, an inspection of the building Krishna Kunj Apartment, G.D. Mishra Road, Patliputra, Patna was made by the officials of Patna Municipal Corporation in the presence of all the concerned parties including the petitioner. As per the ground report, though the height was found to be less than 15 metres (14.88 metres), it has found that at 143.04 meter, there is some deviation. Further, some temporary sheds have also been found.



4. Learned counsel for the petitioner submits that the issue of fire fighting equipment remained unanswered inasmuch as whether it is the duty of Respondent no.5(builder) to get it installed or it has to be borne by the residents of the said apartment. She submits that now the Patna Municipal Corporation has given a report, the residents be granted liberty to approach them with all the grievance relating to fire fighting as also the deviation which the PMC itself has found.

5. Learned Senior Counsel representing the Respondent no. 5 submits that it was not his responsibility to install the fire fighting equipment but if the residents/society come to the conclusion and give a estimate, he can take appropriate steps in the matter.

6. Be that as it may, the petitioner, Secretary of the Society wants Patna Municipal Corporation to look into the matter.

7. Granting said liberty to approach 'the PMC' the writ petition stands disposed of.

(Rajiv Roy, J)

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