

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3650 of 2025

Shadan Shireen W/o Mr. Naqeeb Ahmad Qidwai Resident of Shah Rashidullah Compound Birla Mandir Road, P.S.- Pirbahore, Dist.-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Director, Urban Development and Housing Department, Government of Bihar, Patna.
4. The Municipal Commissioner, Patna Municipal Corporation, Maurya Lok Complex, Patna.
5. The Station House Officer (SHO), Pirbahore Police Station, Patna.
6. M/s A.B.M. Developers Pvt. Ltd., a Company registeted Under Companies Act, 1956 having its Registered Office at 101, Hardi Estate, Bank Road, Patna through its Managing Director Sachidanand Singh aged about 68 Years, S/o-Late Ram Swarup Singh, R/o-Kumhari, P.O.-Itkhori, Dist.-Jharkhand and Presently Residing at A/1, Prince Apartment, Christian Colony, Lodipur, P.O.-G.P.O., P.S.-Budhha Colony, Dist.-Patna (Bihar).
7. Azalfa Building Construction Pvt. Ltd., a Company registeted Under Companies Act, 1956 having its Registered Office at House No. 506/1, New Azimabad Colony, P.O.-Mahendru, P.S.-Bahadurpur, Patna-800006 and at Present 203, Second Floor, L.S. Complex, Exhibition Road, P.O.-G.P.O., P.S.-Gandhi Maidan, Patna through its Managing Director Namely Naushad Alam, S/o-Mr. Adalat Hussain, Resident of H.No.-506A/1, New Azimabad Colony, P.O.-Mahendru, P.S.-Bahadurpur, Patna-800006.
8. Baptist Union Church having its Registered Office at Bakerganj P.S.-Pirbahore, Dist.-Patna through its Pastor-Cum-Priest Incharge, M.V. thomas, S/o Late V. Thomas, R/o-Christian Colony, Lodipur, P.S.-Budhha Colony, District-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mukesh Kant, Adv Mr. Ashish Anand, Adv Mr. Rajat Kumar Tiwari, Adv
For the State	:	Mr. Nadim Seraj, Government Pleader (5)
For Res. No. 4	:	Mr. Prasoon Sinha, Sr. Adv Mr. Prabhat Kumar, Adv
For Res. No. 7	:	Mr. Amit Srivasatava, Sr. Adv Mr. Sanjeev Kumar Singh, Adv
For Res. No. 6	:	Mr. Ajay Kumar Singh, Adv
For Res. No. 8	:	Mr. Sanjay Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER



5 12-05-2025 Heard Mr. Mukesh Kant, learned counsel appearing for the petitioner, Mr. Prasoon Sinha, learned Senior Counsel appearing for respondent no.4, Mr. Amit Srivastava, learned Senior Counsel appearing for respondent no. 7 and Mr. Ajay Kumar Singh, learned counsel appearing for respondent no. 6, Mr. Sanjay Kumar, learned counsel appearing for respondent no. 8 as also learned counsel appearing for the State.

2. With the consent of all the parties, the present writ petition is being disposed of at this state itself.

3. In the present writ application, the petitioner has prayed for the following reliefs:

(i) To issue a writ order/ direction in the nature of mandamus for directing the Respondents, including the Municipal Commissioner, Patna Municipal Corporation, Patna to take immediate action to remove the unauthorized constructions erected by the Promoter (M/s Azalfa Building Construction Pvt. Ltd.) in violation of the sanctioned building plan dated 19.01.2018 (Plan Case No.-P/Moharrampur/PCN/ B2+G+6/368-2017).

(ii) To issue a writ/order/ direction in the nature of mandamus for directing the Respondents to restore the 20-foot-wide access road connecting Birla Mandir Road to the Urban Plaza Mall as per the sanctioned plan, thereby ensuring public access



to the mall.

(iii) To issue a writ order/ direction in the nature of mandamus for directing the Respondents to take immediate action under Sections 314, 316 and 317 of the Bihar Municipal Act, 2007 and relevant provisions of the Bihar Building Bye-laws, 2014 to stop unauthorized construction by the Promoter i.e. M/s Azalfa Building Construction Pvt. Ltd. and ensure compliance with the sanctioned plan.

(iv) To declare as illegal, the construction and leasing of unauthorized shops on the encroached portion of land within the Urban Plaza Mall and direct their immediate demolition.

(v) During the pendency of the writ petition appropriate interim/ex-parte interim order be passed and/or prevent them from taking any further coercive action.

(vi) To any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case.

4. During the course of argument, learned Senior Counsel appearing for the respondent no. 7 has brought to the notice of this Court that for the reliefs being sought in the present writ application, the petitioner's husband has filed representation before the Municipal Commissioner, Patna Municipal Corporation, Patna which is at Annexure P/7 and



another letter was also given to the S.H.O., Pirbahore Thana vide Annexure-P/8.

5. Learned Senior Counsel further submits that based on the representation given by petitioner's husband to the Municipal Commissioner, Patna Municipal Corporation, Patna, a Vigilance Case bearing No. 84B/2024 has already been initiated which is currently pending before the Commissioner. Learned Senior Counsel, therefore, submits that the petitioner may be relegated before the Municipal Commissioner, Patna to appear before him and ventilate her grievances as he is the competent Authority to decide all issues under the Bihar Municipal Act, 2007.

6. Learned counsel appearing for the petitioner submits that she is ready to agitate her grievances before the Municipal Commissioner, Patna Municipal Corporation, Patna if a time frame is fixed for final disposal of the ongoing vigilance case.

7. Learned counsels appearing for the respondents do not have objection, if this Court directs the petitioner to appear before the Municipal Commissioner, Patna Municipal Corporation, Patna for ventilation of her grievances in the ongoing Vigilance Case No. 84B of 2024.



8. As agreed by all the parties, this Court directs the petitioner to appear in the Vigilance Case No. 84B/2024 and agitate before the Municipal Commissioner, Patna Municipal Corporation, Patna all the issues which the petitioner has raised in the present writ application. The petitioner must appear within one month from today.

9. The Municipal Commissioner, Patna Municipal Corporation, Patna is directed to hear the petitioner and all affected parties and also give them opportunity to produce documents in support of their contention and decide the entire vigilance case within a period of six months from today. It is made clear that the final order passed by the Municipal Commissioner, Patna Municipal Corporation, Patna would be a reasoned and speaking order.

10. With the aforesaid observation/direction, the present writ application stands disposed of. The order of status quo granted vide order dated 03.03.2025 stands vacated. All pending I.A. will also be deemed to have been disposed of.

(Alok Kumar Sinha, J)

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