

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.899 of 2025

In
Civil Writ Jurisdiction Case No.13903 of 2023

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1. Sujata Singh W/O Late Nand Kishore Singh, R/O- 301, Dharamshila Nandan Enclave, Near Arya Samaj Mandir, RPS More, Danapur, Patna-801503 (Bihar).
 2. Rajesh Kumar, S/O Ramakant Pandey, R/O- 102, Dharamshila Nandan Enclave, Near Arya Samaj Mandir, RPS More, Danapur, Patna-801503 (Bihar).
 3. Uma Shankar Prasad, S/O Sri Sita Ram Prasad Singh, R/O- 104, Dharamshila Nandan Enclave, Near Arya Samaj Mandir, RPS More, Danapur, Patna-801503 (Bihar).
 4. Avanish Kumar, S/O Ashok Kumar Singh, R/O- 304, Dharamshila Nandan Enclave, Near Arya Samaj Mandir, RPS More, Danapur, Patna-801503 (Bihar).
 5. Amit Kumar Sinha, S/O Sri Lala Devendra Prasad, R/O- 103, Dharamshila Nandan Enclave, Near Arya Samaj Mandir, RPS More, Danapur, Patna-801503 (Bihar).
 6. Sanjay Kumar, S/O Sri Brij Bihari Roy, R/O- 302, Dharamshila Nandan Enclave, Near Arya Samaj Mandir, RPS More, Danapur, Patna- 801503 (Bihar).

... .. Petitioner/s

Versus

1. Vineet Private Homes Limited (CIN No. U45200BR2004PTC010565), Regd. Office A-90, Road No. 5, Magistrate Colony, Ashiana Nagar, Police Station- Rajiv Nagar, District and Town- Patna 800025 through its Director, Rakesh Chandra Malhotra.
2. Rakesh Chandra Malhotra, Son of Late B.R. Malhotra, Resident of Flat No. 45, Ganga Tower, L.C.T. Ghaat, Mainpura, P.S. Patliputra, Patna- 800001
3. The State of Bihar through the Chief Secretary, Bihar, Patna.
4. Abhay Kumar Singh, The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
5. Manoj Kumar, The Director, Urban Local Bodies, Urban Development and Housing Department, Government of Bihar, Patna.
6. Pankaj Kumar, The Executive Officer-cum-Administrator, Nagar Parishad, Danapur Nizamat, Danapur, District-Patna.
7. Arvind Prasad, The Assistant Engineer, Nagar Parishad, Danapur Nizamat, Danapur, District- Patna.
8. Sikandar Kumar, The Junior Engineer, In-Charge of Development Map /Scheme and Development Section, Nagar Parishad, Danapur Nizamat, Danapur, District Patna.
9. Rakesh Kumar @ Rakesh Kumar Nandan Son of Brij Nandan Prasad Resident of 201, Dharmshila Nandan Enclave, Arya Samaj Mandir Road,



R.P.S. More, Police Station- Rupaspur, District- Patna, At present Resident of Ram Thakur Mandir Road, New Milan Pally, Siliguri Bazar, Police Station- Siliguri, District- Darjiling (West Bengal).

- 10. Mukesh Kumar @ Mukesh Kumar Nandan, Son of Brij Nandan Prasad, Resident of 401, Dharmshila Nandan Enclave, Arya Samaj Mandir Road, R.P.S. More, Police Station- Rupaspur, District- Patna.
- 11. Ramashish Sharan Tiwari, Deputy Municipal Commissioner, Patna Municipal Corporation.
- 12. Sushil Kumar Jha, Executive Engineer, Patliputra Division, Patna Municipal Corporation.
- 13. Kumar Kamakhya Narayan Prasad Gupta, Assistant Engineer, Bhu-Sampada Sakha, Patna Municipal Corporation.
- 14. Municipal Commissioner Patna Municipal Corporation Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Advocate
For the State	:	Mr. Government Advocate 3
	:	Mr. Indeshwari Prasad Singh, AC to GA-3
For the PMC	:	Mr. Prasoon Sinha, Sr. Advocate
For the Danapur Nagar Parishad	:	Mr. Ashok Kumar, Advocate
For the O.P. No. 9 and 10	:	Mr. Rabindra Kr. Priyadarshi, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 07-11-2025 Heard Mr. Anuj Kumar, learned counsel for the petitioner, Mr. Prasoon Sinha, learned Senior Advocate for the Patna Municipal Corporation (for brevity, ‘the PMC’), Mr. Ashok Kumar, learned counsel representing opposite party nos. 6 &7 and Mr. Rabindra Kr. Priyadarshi, learned counsel for the opposite party nos. 9 & 10.

2. The present petition has been preferred for the grant of following relief(s):

“for issuance of court of contempt proceedings against the contemnor opposite



parties particularly the OP No.-6 for their willful and deliberate disobedience of the order passed in C.W.J.C. No. 13903 of 2023 dated 29.07.2024 by the Hon'ble Court and to punish them suitably for their willful violation of the said order.”

3. On 29.07.2024, an order came to be passed relating to **Dharamsheela Nandan Enclave [Plot no. 365 (P) Khata No. 82, Thana No. 23, Mauza-Danapur, Saguna under Danapur P.S. in the district of Patna).**

4. This Court can only record/show its anguish on the way the apartment construction is/are being allowed/maps are sanctioned by the authorities completely violating the by-laws which incorporates the requirement that are needed for such construction.

5. An inspection of any apartment can show that neither it has green belt nor walking track for the ladies/children nor even a common community center as we can see in the other States.

6. Worse, as this order was being signed, the news item of local newspaper published that regular construction of number of apartments without following guidelines to prevent air pollution has led the AQI level under Danapur Nagar



Parishad to dangerous heights. According to the report of 'Hindi Hindustan' not only the dust have filled the atmosphere, the silt removed from the drains have been kept on the road.

7. The Danapur Nagar Parishad through its Executive Officer has probably chose to look the other way leaving the citizen to its peril.

8. In the present case, considering the grievances of the petitioner, 'the PMC' was directed to look into the matter, hold an inquiry and provide its findings to the Danapur Nagar Parishad so that it can take a decision in the matter.

9. The last show cause dated 03.11.2025 has been filed by the opposite party nos. 11 and 12 who are officials of 'the PMC'. It shows that an enquiry was conducted in which the builder chose not to cooperate and thereafter, report/recommendation has been made to the Danapur Nagar Parishad.

10. This Court would like to record the facts narrated in paragraphs 7-12 which read as follows:

7. That one of the members of the aforesaid team namely, Sri Vijay Kumar, Executive Engineer, was transferred from the PMC, in that view of the matter a fresh order was issued by the



Municipal Commissioner, PMC as contained in Memo no.18246 dated 23.11.2024, whereby name of Sri Vijay Kumar was replaced with Sri Sushil Kumar Jha, Executive Engineer, Patliputra Division, PMC, Patna.

8. That the opposite party no.11 conveyed the Executive Officer, Nagar Parishad Danapur Nizamat, by letter no.18463 dated 28.11.2024 inter-alia, that the enquiry would be conducted on 30.11.2024 at 12 O' Clock, and requested the Executive Officer, Nagar Parisahd Danapur to inform all the concerned parties about the date and time of the enquiry.

9. That the parties concerned (the land owners and flat owners), who were present during the enquiry, had put their signatures as well as mentioned their mobile numbers and flat numbers on a sheet of paper. However neither the builder of the apartment in question nor his representative was present during the enquiry.

10. That during the enquiry the photographs of the flats of the apartment in



question had been taken.

11. That it is humbly stated that since it was not feasible to prepare either the enquiry report or the sketch map of the apartment on the spot (in the campus), therefore, on the basis of the measurements taken as mentioned in the enquiry report as well as the sketch map, read with relevant documents, including the sanctioned plan of the apartment in question, and the occupancy certificates, made available to the enquiry team, the enquiry report and the sketch map of the apartment in question were prepared which contain the signatures of the members of the enquiry team (Annexure-R/4 to the supplementary affidavit filed on behalf of the petitioners).

12. That it is further stated that last paragraph of the Enquiry Report is the conclusion drawn by members of the Enquiry Team suggesting therein inter-alia that the sanctioned plan appeared to be fit for being cancelled or in the alternative it would be appropriate to get the sanctioned map revised in



the light of provisions contained in Bihar Building Bye-Laws, 2014 as well as under the provisions of Bihar Building Bye-Laws, 2014 (as amended in 2022) prevalent at that time.”

(emphasis added)

11. Learned Senior counsel for ‘the PMC’, Mr. Prasoon Sinha has taken this Court to paragraph 12 to show that now the ball is in the court of the Danapur Nagar Parishad who has to take a decision for the cancellation of the sanctioned plan and/or to act in alternative.

12. Mr. Ravindra Priyadarshi who represents the land owner submits that in the hide and seek game between the builder and the Danapur Nagar Parishad, he is the worst sufferer.

13. This Court has taken note of the fact that the builder chose not to cooperate in the inquiry, still, is appreciable of the efforts taken by ‘the PMC’ that it went ahead and conducted an inquiry and now the report has been submitted to the Danapur Nagar Parishad.

14. This Court is of the opinion that the aggrieved parties, the petitioner and the land owner are free to individually submit its application alongwith the grievance which they want



to raise. Even otherwise, once 'the PMC' has provided the inquiry report/made a recommendation, the Danapur Nagar Parishad is duty bound to take the same to its logical conclusion.

15. The petition of the petitioner shows that the report was signed by the officials of 'the PMC' on 06.02.2025 and we are in the month of November, 2025. The stand of the Danapur Nagar Parishad is that on 16.07.2025, request was made to provide the inquiry report .

16. It is unfortunate that two important stakeholders of the State Government are throwing ball in each other's court so far as the inquiry report is concerned. However, now that the same has come as part of the show cause of 'the PMC', learned counsel representing the Danapur Nagar Parishad, Mr. Ashok Kumar shall be providing the said report immediately to the concerned Executive Officer if officially it has not been received.

17. The Executive Officer is duty bound to take up the matter immediately within the time frame and after noticing all the concerned parties shall be taking a decision preferably by 31st of March, 2026.

18. Failure to do so, the parties are free to take up the matter by filing contempt petition.



19. Learned counsel for the land owner submits that he may be granted liberty to take appropriate steps both civil as also criminal against the builder who failed to abide by the agreement signed between the parties. He has all the liberty to agitate the matter before appropriate authority.

20. The MJC No. 899 of 2025 stands disposed of.

21. A copy of the order be sent to the Secretary, Bihar State Pollution Control Board, Patna who shall take note of paragraphs 6 and 7 of the order and act immediately to ensure that the citizen living within the jurisdiction of Danapur Nagar Parishad is/are relieved of trauma.

(Rajiv Roy, J)

Adnan/-

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