

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13413 of 2015

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Sudha Jha W/o Prabhat Kumar Jha R/o sudha Shree Enclave , Tapeshwar
Nagar, Ara Garden Jagdeo Path , P.s Rupaspur , Patan -14 , In the District and
town Patna. Petitioner/s

Versus

1. Patna Municipal Corporation through the Chief Executive officer, Patna
2. Chief Executive officer-cum-Commissioner, Patna Municipal Corporation
Patna.
3. Executive officer, Nutan Anchal , Patna Municipal Corporation ,Patna.
4. Mr. Madhusudan Kishore, s/o Kailash Prasad House No. D/37, Mohalla-
Tapeshwar Nagar, Ara Garden Jagdeo Path Ps. Rupaspur, Patna-14, in the
district and town Patna.
5. Mr. Pankaj s/o Madhusudan Kishore House No. D/37, Mohalla- Tapeshwar
Nagar, Ara Garden (Jagdeo Path) Ps. Rupaspur, Patna-14, in the district and
town Patna. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Upadhyay, Advocate
For the Respondent/s : Mr.Hargovind Singh Himkar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 03-04-2025

Heard learned counsel for the petitioner, learned
counsel for the private respondents and learned counsel for the
State.

2. This writ application has been filed for the following
reliefs:

(I) For issuance of a writ in the nature of mandamus,
commanding the respondent Nos. 1 to 3 to demolish the
construction made on Plot No. 0/37, Mohalla-Tapeshwar Nagar,
Ara Garden (Jagdeo Path), P.S.- Rupaspur, Patna-14 in the district
and town Patna as the same in in blatant violation of the Building
Bye-laws and without sanctioned map.



(II) For further commanding respondent nos. 1,2 and 3 to restrain private respondent Nos. 4 and 5 from making further construction on the Land aforesaid.

(III) For grant of appropriate compensation preferably to the tune of rupees ten lakhs on account of damage on amongst other things, floor tiles, articles lying in the petitioner's premise including generator set as well as essential expenditure towards security measure due to construction and the damage of colouring on the northern wall.

(IV) For grant of any other relief(s) to which the petitioner may be entitled to in the eye of law in the given facts and circumstances of the case.

3. Learned counsel for the petitioner submits that the petitioner had purchased the land in question on 19.02.2007 from one Sri Sudarshan Singh and the same is registered of the land in the Office of Sub Registrar, Danapur, Patna then the petitioner had made an application for sanction of map before the respondent No.2 and after sanction of the map the petitioner has made construction over the land in question. All of a sudden, the private respondents have filed a complaint before the Municipal Commissioner alleging therein that the respondents have violated the Municipal Bye-laws and the complaint filed by the petitioner is



registered Vigilance Case No.31B/2015 and the complaint made by the private respondents the Vigilance Case No.50B/2015 instituted and both the Vigilance Cases are pending for consideration before the authority concerned.

4. Learned counsel for the Patna Municipal Corporation submits that in both the cases neither the parties had appeared in the proceeding so the aforesaid Vigilance Cases are still pending for consideration and the next date of hearing is 12.04.2025.

5. In view of the aforesaid, this writ application stands disposed of with direction to the petitioner to pursue the Vigilance Cases which are still pending for consideration before the authority concerned bearing Vigilance Case No.31B/2015 which was initiated on the basis of the complaint made by the petitioner and the Vigilance Case No.50B/2015 which was initiated on behalf of the private respondent and the authority concerned are directed to dispose of the aforesaid Vigilance Case No.31B/2015 and Vigilance Case No.50B/2015 in accordance with law after hearing all concerned within a period of six months.

(Rajesh Kumar Verma, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.04.2025
Transmission Date	NA

