

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13161 of 2025

Prabhat Shankar Son of Bhola Prasad Singh Resident of H.N.160, C.D.A. Colony, P.S. Shashtri Nagar, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
3. The Commissioner, Patna. Municipal Corporation, Patna.
4. The Director, Urban Planning Branch, Patna Municipal Corporation.
5. S.H.O. Rajiv Nagar Police Station, Patna.
6. Suraj Rai S/o Tek Narayan Rai R/o-Ramji Chak, Ahiran Gali, P.S. Digha, District-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Chandra Shekhar Kumar Singh, Adv.
For the Respondent/s	:	Mr. Kinkar Kumar, Sc9
		Mr. Prasoon Sinha, Sr. Adv.
		Mr. Prabhat Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 19-08-2025

Heard learned counsel for the petitioner, learned counsel for the State and Mr. Prasoon Sinha, learned senior counsel with Mr. Prabhat Kumar, Advocate for the Patna Municipal Corporation.

2. The present writ application has been filed with the following reliefs:-

(i) For a direction upon the concerned Respondents particularly the Patna Municipal Corporation to take appropriate action against the Private Respondent for his involvement in illegal and unauthorized construction of permanent nature being made over the land pertaining to Khesra no. 2501, Survey Thana no. 1, Mauja Digha situated at



Mohalla Gandhinagar, Old SBI Road under Rajiv Nagar Police Station, Patna.

(ii) For a direction to restrain the Private Respondent from making illegal and unauthorized construction without sanctioned Building Plan from P.M.C.

(iii) For a direction upon the P.M.C. to act upon the complaint, filed by the Petitioner for restraining the Private Respondent from raising illegal and unauthorized construction in accordance with law.

3. Counsel for the petitioner submits and specifically pleaded that the private respondent is illegally and unauthorisedly constructing house without sanction of building plan. He further submits that complaint has been filed against the private respondent before the authority on 08.07.2025 with request to take appropriate action against the private respondent immediately which is Annexure-1 of the writ petition, but no action has been taken by the Municipal Authority due to this reason, petitioner has no option, but immediately moved before this Hon'ble Court.

4. Senior Counsel for the Patna Municipal Corporation submits that Section 313 to 325 of the Bihar Municipal Act, 2007 deals about the situation under which there is prohibition of construction without sanction and the provision of construction of building in contravention of the building by-



law. He further submits that a quick action shall be taken by the Municipal Authority and direction may be given to the Commissioner, Patna Municipal Corporation, Patna (respondent No.3) in this matter.

5. In the light of the submissions made as well as the clear cut laws in the Bihar Municipal Act, 2007 deals from section 313 to 325 onwards, let the Commissioner, Patna Municipal Corporation (respondent No.3) is hereby directed to take immediate action on the representation of the petitioner which is annexure-P/1 and P/2 of the writ petition within 20 days from the date of production of this order.

6. It is made clear that prior to taking any stern action against the private respondent, opportunity of hearing shall be granted to him.

7. With the aforesaid observations, the present writ application stands disposed of.

(Dr. Anshuman, J.)

Prakashmani/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20.08.2025
Transmission Date	N/A

