

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15533 of 2024

Ashiana Marketing and Construction Pvt Ltd., a Company registered Under the Companies Act, 2013, through its Director, Mozaffar Abdul Mazid, aged about 67 Years (Male), S/o Late Wasi Ahmad, Resident of 149/2, Haroon Nagar Colony, P.S. Phulwarisharif, District-Patna.

... .. Petitioner/s

Versus

1. The Chairperson, Municipal Building Tribunal Patna-2.
2. The Bhagalpur Municipal Corporation, through the Municipal Commissioner
3. The Municipal Commissioner, Bhagalpur Municipal Corporation, Bhagalpur.
4. Arvind Kumar Yadav S/o Late Late Bishnudeo Prasad Yadav Resident of Shitla Asthan Road, Tilkamanjhi, P.S. Kotwali, District-Bhagalpur, Bihar.
5. Dilip Kumar Verma S/o Late Umeshwari Prasad Verma Resident of Mohalla- Tilkamanjhi, P.O. and P.S. Tilkamanjhi, District-Bhagalpur.
6. The State of Bihar through the Secretary, Urban Development and Housing Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ankit Katriar, Adv.
For Bhagalpur Municipal Corp. : Mr.Manoj Kumar Sinha, Adv.
For the Respondent : Mr. Arvind Kumar, AC to GA-9

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

4 07-07-2025 Heard Mr. Ankit Katriar, learned counsel for the petitioner, Mr. Manoj Kumar Singh, learned counsel for Bhagalpur Municipal Corporation and Mr. Arvind Kumar, learned AC to GA-9.

2. The prayer made in this writ application is for issuance of writ of mandamus to direct the Municipal Building Tribunal to dispose of the appeal bearing Appeal No. 15(S)/2023 currently pending before it, in a time bound manner within a



stipulated time-frame, inasmuch as construction of the subject multi storeyed apartment has been halted since 2019 despite the petitioner's willingness to comply with all directives concerning the demolition of the excess structure and the payment of the deviation fee. As a consequence thereof, learned counsel for the petitioner submits that the hard earned money/advance of the public allottees has also got stuck up.

3. To the aforesaid prayer made by the learned counsel for the petitioner, learned counsel appearing for the Respondents do not have any objection.

4. Considering the limited nature of prayer made by the learned counsel for the petitioner, the writ application is disposed of directing the Municipal Building Tribunal to dispose of the pending appeal bearing Appeal No. 15(S)/2023 within three months from the date of production/receipt of a copy of this order by the petitioner after giving an opportunity of hearing to all the parties concerned including the petitioner.

5. Needless to emphasize that the final order that shall be passed by the Municipal Building Tribunal would be a reasoned and speaking order.

6. With the aforesaid observation/direction, the present writ application stands disposed of.



7. The pending Interlocutory Application, if any, shall
also be deemed to have been disposed of.

(Alok Kumar Sinha, J)

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