

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17849 of 2024

Reeta Verma Wife of Late Arun Kumar Verma, Resident of House No. C/17,
Road No. 6C, Rajendra Nagar, Police Station - Kadamkuan, District- Patna,
Pin Code- 800016.

... .. Petitioner

Versus

1. Patna Municipal Corporation through the Municipal Commissioner, Patna, Bihar.
2. The Municipal Commissioner, Patna Municipal Corporation, C Block, Maurya Lok, Patna.
3. Vigilance Officer, Patna Municipal Corporation, C Block, Maurya Lok, Patna.
4. The Assistant Engineer, Vigilance Section, Patna Municipal Corporation, Maurya Lok, Patna.
5. Assistant Town Planning Supervisor, Sahkari Yojana Sakha, Patna Municipal Corporation, Maurya Lok, Patna.
6. Subodh Kumar, Son of not known to the petitioner, Resident of Plot No. 277, Road No. 6C, Rajendra Nagar, Police Station - Kadamkuan, District- Patna, PIN Code- 800016.
7. Lalan Prasad Chaudhary @ Lalan Kumar, Son of not known to the petitioner. Resident of Plot No. 277, Road No. 6C, Rajendra Nagar, Police Station - Kadamkuan, District- Patna, PIN Code- 800016.
8. Mukesh Kumar, Son of not known to the petitioner, Resident of Plot No. 277, Road No. 6C, Rajendra Nagar, Police Station - Kadamkuan, District- Patna, PIN Code- 800016.
9. Sudhir Kumar, Son of not known to the petitioner, Resident of House No.C/16, Road No. 6C, Rajendra Nagar, Police Station - Kadamkuan, District- Patna, PIN Code- 800016.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Rajendra Narayan, Sr. Advocate
	:	Mr. Prashant Kashyap, Advocate
For the PMC	:	Mr. Prasoon Sinha, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

3 12-08-2025 Heard learned Senior Counsel Mr. Rajendra Narayan

for the petitioner and learned Senior Counsel Mr. Prasoon Sinha

for the Respondent-Patna Municipal Corporation.



2. With the consent of both the parties, this writ application is being disposed of at this stage itself.

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

“(i) For issuance of appropriate writ thereby quashing the illegal measurement report dated 24.09.2024 prepared by the respondent no. 5 and Amin thereby preparing a false report showing arbitrary deviation from the petitioner's sanctioned building map at the instance of and in collusion with private respondent nos. 6, 7, 8 and 9 in order to harass and counter blast case registered by the petitioners against private respondent no. 9.

(ii) For further issuance of appropriate writ thereby quashing and setting aside the Complaint Case No. 73B of 2024 against the petitioner and her daughter registered at the instance of private respondent nos. 6 to 9.

(iii) For stay of the further proceeding of the Building Vigilance Case No. 73B of 2024 being biased and targetive against the petitioner.

(iv) For grant of any other relief or reliefs to which the petitioner may be



entitled in the facts and circumstances of the present case.”

4. During the pendency of the writ application, learned Senior Counsel appearing for the petitioner submits that final order dated 24.07.2025 has been passed in Vigilance Case No. 73B of 2024 by the Municipal Commissioner, Patna directing the petitioner to demolish the entire construction over the petitioner's plot within thirty days from the date of the order, failing which he contends that the construction shall be demolished by the Corporation at the cost of the petitioner. This information has been brought on record by way of I.A. No. 1 of 2025 in which the final order dated 24.07.2025 in Vigilance Case No. 73B of 2024 has been annexed. Learned Senior Counsel appearing for the petitioner further submits that as against the final order dated 24.07.2025 passed in Vigilance Case No. 73B of 2024, the petitioner has already filed an appeal on 05.08.2025 before the Municipal Building Tribunal Patna Division, Patna being Appeal No. 21(s) of 2025 and a statement to this effect has been made in paragraph-48 of the Interlocutory Application No. 1 of 2025, which is reproduced hereinbelow for the needful:-

“48. That the petitioner being aggrieved with the order dated



24.07.2025 passed in Vigilance Case no.-73B of 2024 has filed the appeal on 05.08.2025 before the Municipal Building Tribunal, Patna Division, Patna being Appeal no.-21(s) of 2025 and the date of hearing on admission is given as 20.08.2025 but the petitioner has apprehension that the respondent no. 2 in the meantime would give operation of his order dated 24.07.2025 which would cause irreparable damage to the petitioner and her property in question and thus the petitioner deemed it necessary to bring into cognizance of this Hon'ble Court regarding the impugned order passed by the respondent no.2 Municipal Commissioner, Patna which is a targeted and biased order against the petitioner in collusion with the private respondent no. 6 to 9 with intent to settle score with the petitioner as she has made complaint against his illegal construction being made without any sanctioned plan map.”

5. Learned Senior Counsel submits that the petitioner is prepared to agitate her grievances before the Appellate Tribunal but fears that in the meantime the construction would



be demolished and, therefore, he prays that an appropriate direction be issued that during pendency of the appeal before the Municipal Building Tribunal, Patna Division, Patna no coercive step be taken against the petitioner in light of the order dated 24.07.2025 passed in Vigilance Case No. 73B of 2024.

6. Learned Senior Counsel appearing for the Patna Municipal Corporation submits that the prayer being made by the petitioner is misconceived and improper for the reason that in all such matters where appeal has been preferred within thirty days as per the liberty granted by the final order passed under Section 323 of the Bihar Municipal Act, 2007 and if an information to that effect is given to the Municipal Commissioner then so long as the appeal is pending, no coercive action is taken against the appellant. He submits that in the present case although the petitioner has stated that an appeal has been filed which is pending before the Municipal Building Tribunal, Patna Division, Patna but nowhere in the Interlocutory Application he has disclosed whether the petitioner has given an information to this effect to the authorities concerned to this effect. He further submits that if the petitioner gives an information of pendency of the appeal to the authorities concerned then no coercive action would be taken against the



petitioner so long as the appeal is pending adjudication before the Municipal Building Tribunal, Patna Division, Patna.

7. Considering the submissions made by both the sides and particularly the submission made by learned Senior Counsel appearing for the Patna Municipal Corporation, the petitioner is directed to immediately give an information about the filing and pendency of the appeal to the authorities concerned and the moment the information is received by the authorities concerned more particularly, the Municipal Commissioner, Patna then no coercive action shall be taken against the petitioner so long as the appeal filed by the petitioner bearing Appeal No. 21(s) of 2025 is pending adjudication before the Municipal Building Tribunal, Patna Division, Patna.

8. With the aforesaid observation and direction, this writ application is disposed of. All pending Interlocutory Applications if any, shall stand disposed of.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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