

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6668 of 2026

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Dharm Shila Devi @ Dharmshila Devi W/o Lal Babu Saw, R/o - Mainpura,
Gate no. - 42, near Sati Sthan, Phulwari, P.S. - Patliputra, Distt. - Patna, Bihar,
Pin - 800001.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Urban Development and Housing Department, Govt. of Bihar.
2. The Divisional Commissioner, Patna.
3. The District Magistrate, Patna.
4. The Patna Municipal Corporation Through the Municipal Commissioner, Maury Lok, P.S. - Kotwali, Patna.
5. The Municipal Commissioner, Patna Municipal Corporation, Maurya Lok, P.S. Kotwali, Patna.
6. The Director, Urban Scheme, Patna Municipal Corporation, Patna.
7. The Executive Officer, Patliputra Anchal, Patna Municipal Corporation, Patna.
8. The Executive Officer, Bakipur Anchal, Patna Municipal Corporation, Patna.
9. The Executive Officer, Nutan Rajdhani Anchal, Patna Municipal Corporation, Patna.
10. The Executive Engineer, Electric Supply Division, Electricity Headquarters, Patna.
11. The Executive Engineer, Electric Supply Division, Patliputra Division. Patna.
12. The Executive Engineer, Electric Supply Division, Patna City Division. Patna.
13. The Executive Engineer, Electric Supply Division, Nutan Rajdhani Division. Patna.
14. The Senior Superintendent of Police, Patna.
15. The Station House Officer, Patliputra Police Station, Patna.
16. The Station House Officer, Budha Colony Police Station, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jai Ram Singh, Advocate Mr. Keshab Raj, Advocate
For the State	:	Mr. Vikash Kumar, SC- 11
For the PMC	:	Mr. Prasoon Sinha, Sr. Advocate Mr. Prabhat Kumar, Advocate
For Resp. nos. 9 to 13	:	Mr. Vaibhava Veer Shankar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 01-05-2026 Heard Mr. Jai Ram Singh, learned counsel for the petitioner and Mr. Prasoon Sinha, learned Senior Counsel for the Patna Municipal Corporation.

2. The petitioner has filed the instant application for the following reliefs :-

“i. For the issuance of writ in the nature of Mandamus for directing the Learned Municipal Commissioner, Patna Municipal Corporation to keep Letter no-7055 dated 22.04.2026 in abeyance till final disposal of the appeal pending before the Court of Ld. Municipal Building Tribunal-I; bearing Appeal No:- 3(N) of 2023; which is filed against the order dt-14.01.2023 passed by the Ld. Municipal Commissioner, Patna Municipal Corporation in Vigilance Case No- 243A/2015.

ii. For the issuance of writ in the nature of Mandamus for directing the Respondent Authorities not to take any coercive action against the petitioner and the concerned building till final disposal of the appeal pending before the Court of Ld. Municipal Building Tribunal-I; bearing Appeal No: - 3(N)/2023.

iii. For issuance of an appropriate writ/order/direction directing the Respondent Authorities to take expeditious steps for appointment of the Chairman in the Learned Municipal Building Tribunal-I, which is lying



vacant since March, 2026, so as to ensure effective adjudication of pending appeals.

iv. For grant of any relief/reliefs, which is fit and proper for the petitioner.”

3. Learned counsel for the petitioner submits that a vigilance case being Vigilance Case no.243A of 2015 (Patna Municipal Corporation vs. Bariyar Sao) was started against the grandfather of the petitioner wherein order dated 14.1.2023 (Annexure-P/1) was passed. Even before the initiation of the said case and before passing of the said order, the grandfather of the petitioner had passed away long back on 26.8.1986. However, on coming to know about the said order, the petitioner has preferred Appeal no.3(N) of 2023 before the Municipal Building Tribunal-01, Bihar, Patna which is still pending, however the Tribunal is not functional.

4. It is stated at the Bar that the Municipal Building Tribunal, Patna is not functional in view of the absence of the members.

5. Mr. Prasoon Sinha, learned Senior Counsel appearing for the Patna Municipal Corporation submits that the Tribunal is expected to become functional soon.

6. In view of the facts and circumstances of the case, the writ application is disposed of with the following



observations and directions :-

(i) The Appeal no.3(N) of 2023 (Dharmshila Devi vs. The Patna Municipal Corporation and Anr.) shall be decided by the Municipal Building Tribunal, Patna at the earliest.

(ii) The petitioner will be at liberty to file an application for stay of coercive steps being taken by the authorities of the Patna Municipal Corporation pursuant to the order dated 14.1.2023 passed in Vigilance Case no.243A of 2015 (Patna Municipal Corporation vs. Bariyar Sao).

(iii) No coercive steps shall be taken against the petitioner starting today for a period of three months after the Municipal Building Tribunal, Patna becomes functional or the petition for stay, if filed by the petitioner is decided, whichever is later.

(Partha Sarthy, J)

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