

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6782 of 2026

Rinky Kumari Wife of Late Ranjit Kumar, Resident of Kurji Bujurg Digha,
Sadaquat Asharam, P.O.- Sadaquat Ashram, P.S.- Digha, District- Patna, Bihar,
Pin Code- 800010.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, the Department of Urban Development and Housing, Government of Bihar, Patna.
2. The Principal Secretary, the Department of Urban Development and Housing, Government of Bihar, Patna.
3. The Municipal Commissioner, Patna Municipal Corporation, Patna.
4. The Additional Municipal Commissioner, Patna Municipal Corporation, Patna.
5. The Additional Town Commissioner, Municipal Corporation, Patna.
6. The Vigilance Officer, Municipal Corporation, Patna.
7. Executive Engineer, New Capital Division (North), Patna Municipal Corporation, Patna.
8. The Municipal Corporation, Patna through the Municipal Commissioner, Patna Municipal Corporation.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shekhar Singh, Sr. Advocate Mr. Siddharth Shankar Pandey, Advocate Mr. Sandeep Kumar Singh, Advocate Ms. Shambhavi Singh, Advocate
For the State	:	Mr. Gautam Kumar Yadav, AC to GP-26
For the PMC	:	Mr. Prasoon Sinha, Sr. Advocate Mr. Prabhat Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 08-05-2026 Heard Mr. Shekhar Singh, learned Senior 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 :-

“That the Petitioner above named has preferred instant writ application for the issuance of appropriate writ/writs, order/orders, direction/directions in the nature of certiorari to quash the unlawful, illegal and not sustainable ex-parte order dt. 14.01.2023 passed by the Municipal Commissioner, Patna in a case bearing Vigilance Case No. 248A/2015, which has been passed in utmost and flagrant violation of the well settled principles of audi alteram Partem vide which the said authority was pleased to illegally and wrongfully observe therein that opposite party (the deceased husband of the writ petitioner) had not obtained no objection from the concerned Department and also not get the map sanctioned for the construction of the Building. Hence opposite party was directed to remove the Construction made in the violation of Bihar Bye Laws 2014 (as amended in the year 2022) within 30 days. It was further observed therein that in case the opposite party not complies the order within the given time frame in that event the entire unauthorized construction made by the Opposite Party shall be considered as unauthorized and accordingly may be removed by the Municipal Corporation in terms of provision contained under Section 323 of Bihar Municipal Act, 2007 and entire expenses of such removal shall be recovered from the opposite party as per the provisions contained in Section 323 (7) of Bihar



Municipal Act, 2007 under the provision of Patna Municipal Corporation Tax and Non Tax Revenue Recovery Regulation, 2013. The aforesaid order dt. 14.01.2023 has never been communicated to the Petitioner or served upon the petitioner validly in accordance with law. The Petitioner obtained the aforesaid order on dt. 27.04.2026 after applying for the same on dt. 27.04.2026. The writ petitioner also prays for issuance of appropriate writ/writs, order/orders, direction /directions in the nature of mandamus to stay the operation of the impugned order dt. 14.01.2023 passed by the Municipal Commissioner, Patna in a case bearing Vigilance Case No. 248A/2015. The writ petitioner also prays before this Hon'ble Court for the issuance of appropriate writ/writs, order/orders, direction/directions in the nature of certiorari to quash the Letter No. 6773 dt. 18.04.2026 vide which the Vigilance Officer, Municipal Corporation, Patna asked the deceased husband of writ Petitioner to submit explanation within 3 days as to why proceeding of removal be not initiated on account of non-submission of compliance Report of the order dt. 14.01.2023 passed in Vigilance Case No. 248A/2015 in view of the stipulation contained in Clause 8 of the aforesaid order. Apart from that writ petitioner also prays for issuance of the appropriate writ/writs, order/orders, direction/directions in the nature of mandamus to stay the operation of Letter No. 6773 dt. 18.04.2026. Moreover the



writ petitioner also prays before this Hon'ble court for the issuance of the appropriate writ/writs order/orders, direction/directions in the nature of certiorari to quash the order contained in the Letter No. 7060 dt. 22.04.2026 vide which Team for the marking and removal of unauthorized construction at Kurji Digha, Gate No. 82 towards north of the Ganga Protection Dam/Bandh was constituted/formed by the Municipal Commissioner, Patna and said team has been directed by the said authority to conclude the process of the marking and removal of unauthorized construction within time frame of 5 days from dt. 24.04.2026. The writ petitioner further prays before this Hon'ble Court for the issuance of the appropriate writ/writs, order/orders, direction/direction in the nature of mandamus to stay the operation of the order contained in Letter No. 7060 dt. 22.04.2026."

3. The relevant facts in brief are that the Patna Municipal Corporation proceeded against the petitioner's husband by filing Vigilance Case no.248A of 2015 (Patna Municipal Corporation vs. Ranjit Yadav) wherein order dated 14.1.2023 (Annexure-P8) was passed by the Municipal Commissioner, Patna Municipal Corporation.

4. It is submitted by learned counsel for the petitioner that the husband of the petitioner having died on 27.5.2023, the petitioner had no information/knowledge about the passing of



the order in Vigilance Case no.248A of 2015 and having come to know about the same on the respondent Corporation taking steps in the matter, an appeal bearing Misc. Appeal no.8N of 2026 (Rinky Kumari vs. Patna Municipal Corporation) has been filed by the petitioner before the Municipal Building Tribunal, Patna.

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

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

7. In view of the facts and circumstances of the case, the writ application is disposed of with the following observations and directions :-

(i) The Misc. Appeal no.8N of 2026 (Rinky Kumari vs. Patna Municipal Corporation) 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.248A of 2015 (Patna Municipal Corporation vs. Ranjit Yadav).

(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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