

(2018) 01 PAT CK 0005

In the Patna High Court

Case No : 8409 of 2017

Abhay Kumar Singh

APPELLANT

Vs

The State of Bihar & Ors

RESPONDENT

Date of Decision : 02-01-2018

Acts Referred:

[Bihar Municipal Act, 2007](#), [Section 323](#)

Citation : (2018) 01 PAT CK 0005

Hon'ble Judges : Ashwani Kumar Singh

Bench : Single Bench

Advocate : Avinash Shekhar, Abbas Haidar

Final Decision : Dismissed

Judgement

1. This writ application has been filed by the petitioner for the following reliefs:-
"(i) To issue an appropriate writ, order or direction commanding the Respondent no.3 to declare the residential structure built in the ground floor basement of the building of Vishnu Niwas, Tahir Lane, Gardanibagh as illegal, unauthorized and as a result it may be ordered to be removed forthwith as the same is against the provisions of building byelaws and also the Patna Municipal Corporation Act.

(ii) To issue further appropriate writ, order or direction declaring all the deeds executed by the Builder in favour of Manju Devi with respect to the ground floor Residential structure and the garage as illegal, unauthorized and demolishable.

(iii) To issue further appropriate writ, order or direction restraining the Respondent 2nd Set from using the ground floor structure and garage portion during the pendency of this writ application.

(iv) This Hon'ble Court may award the cost of litigation and suitable compensation to the Petitioner for the loss and damages caused not only to the petitioner but to all occupants of the apartment, on account of the illegal and arbitrary actions of the respondents.

(v) To grant any other relief or reliefs which the Petitioner may be found entitled to in the facts and circumstances of the case."

2. It would be manifest from the pleadings of the petitioner that the petitioner has challenged unauthorized construction made by the builder (respondent no.7) over ground floor/basement of Vishnu Niwas, Tahir Lane, Gardanibagh, Patna and execution of sale deeds made by the builder in favour of Manju Devi.

3. Under Section 323 of the Bihar Municipal Act, 2007, the Chief Municipal Commissioner, Patna Municipal Corporation, Patna is the competent authority to hear and decide all complaints made by the petitioner.

4. In view of availability of equally efficacious statutory remedy to the petitioner, I am not inclined to entertain the present writ application.

5. Accordingly, the writ application is dismissed.