

(2026) 03 PAT CK 1098

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No.4040 Of 2026

Shahnaz Yunus

APPELLANT

Vs

State of Bihar

RESPONDENT

Date of Decision : 18-03-2026

Acts Referred:

Bihar Municipal Act, 2007 — Section 323(3), 324(4)

Citation : (2026) 03 PAT CK 1098

Hon'ble Judges : Partha Sarthy, J

Bench : Single Bench

Advocate : Anshul Aryan, Harsh Kumar, Priyanka Singh, Ajay, Prasoon Sinha, Prabhat Kumar

Final Decision : Disposed Of

Judgement

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Partha Sarthy, J

1. Heard learned counsel for the petitioner and learned Senior counsel for the respondent Patna Municipal Corporation.

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

"1. A. For issuance of an appropriate writ in the nature of Certiorari or any other appropriate writ/s, order/s, direction/s:

i. For quashing and setting aside the order dated 17.02.2026 passed by the Municipal Commissioner, Patna Municipal Corporation in Vigilance Case No. 86B/2025, whereby coercive directions of sealing the property of the petitioner have been issued against the residential house of the petitioner purportedly in exercise of powers under Section 324(4) of the Bihar Municipal Act, 2007 and for declaring the said order to be illegal, arbitrary and without jurisdiction.

B. A writ in the nature of Mandamus or any other appropriate writ/s, order/s,

direction/s:

i. Directing the Respondent authorities not to take any coercive action pursuant to or in furtherance of the aforesaid order dated 17.02.2026 passed in Vigilance Case No. 86B/2025.

ii. Directing the Respondents to conduct proper measurement and verification of the petitioner's building after giving due notice to the petitioner and in her presence.

C. For issuance of an appropriate writ, order or direction restraining the Respondents from sealing, demolishing or otherwise interfering with the peaceful possession of the petitioner over the residential house situated at Yunus Campus near Sukriti Apartment, S.P. Verma Road, Patna during pendency of the present writ petition.

D. For any other relief(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the."

3. The order under challenge brought on record as Annexure-7 series to the supplementary affidavit filed on behalf of the petitioner is the order dated 17.2.2026 passed by the Municipal Commissioner, Patna Municipal Corporation, Patna directing the sealing of the under construction building within 24 hours with the assistance of the administration and the local police station. It has further been directed that a report with respect to the steps having been taken be submitted.

4. At the outset, learned Senior counsel appearing for the Patna Municipal Corporation submits that the petitioner has an alternative and efficacious remedy of filing an appeal before the Municipal Building Tribunal under section 323(3) of the Bihar Municipal Act, 2007.

5. Section 323(3) of the Bihar Municipal Act, 2007 is reproduced herein below for ready reference:

"323. Order of demolition and stoppage of buildings or works in certain cases and appeal.

(3) Any person aggrieved by an order of the Chief Municipal Officer under sub-section (1) may, within thirty days from the date of the order, prefer an appeal against the order to the Municipal Building Tribunal appointed under section 329."

6. Having heard learned counsel for the parties and taking into consideration the submissions made specially the alternate remedy available under section 323(3) of the Act, as noted herein above, the instant application is disposed of directing the petitioner to file an appeal as per the provision under the Act.

7. The appeal shall be filed by the petitioner on or before 23.3.2026.

8. In case the prayer for interim order is made by the petitioner, the same shall be decided by the Tribunal in accordance with law at the earliest.

9. In view of the fact that the building in question happens to be the residential house of the petitioner, no coercive steps shall be taken by the Patna Municipal Corporation pursuant to the order dated 17.2.2026 passed by the Municipal Commissioner, Patna Municipal Corporation, Patna till 26.3.2026 or till disposal of the application for interim prayer, if made by the petitioner, whichever is earlier.