
(2007) 11 PAT CK 0099
In the Patna High Court
Case No : CWJC No. 13965 of 2007

Shakti Sharan Agrawal

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 06-11-2007

Acts Referred:

Bihar Regional Development Authorities Act, 1981 — Section 54(1)

Citation : (2008) 2 PLJR 190

Hon'ble Judges : Navaniti Pd. Singh, J

Bench : Single Bench

Judgement

Navaniti Pd. Singh, J.—The petitioners have challenged the notice issued by the Gaya Municipal Corporation as published in Hindi newspaper "Dainik Jagran" on 24.10.2007 purportedly issued under the Bihar Regional Development Authority Act, 1981 and in specific in relation to Section 54(1) thereof. The notice directs the eighteen persons named therein to demolish and remove structures. The details of the structure are not given. In the three petitions, it is asserted that either they had earlier sanctions plans or they had sought sanction for building plan and in some cases it is asserted that part of the houses were constructed long before jurisdiction of Municipality was extended to those areas. Those constructions required no sanction. This aspect also, the authority, may consider but notwithstanding that, orders have been passed and the notice published as above. Demolition is to take place on 8.11.2007 as per notice. In my view it does not appear that the petitioners have brought all facts to the notice of the authorities pursuant to notice issued to them. Even the notice, as issued to them, is not very clear. They are in cyclostyled forms. I say so because in two of the cases, it is clearly mentioned that part of the building was built as per plan already sanctioned and some alterations thereof is being made but the order, which is impugned, is for demolition of the entire building. The authorities apparently have not applied their mind to these aspects. In my view, no useful purpose would be served by keeping the writ applications pending. The impugned notice issued u/s 54(1) of the Act aforesaid is hereby set aside. The

petitioners are, however, directed to file a detailed show cause giving proof of sanction and application for sanction. Where building has been constructed without sanction even in those cases, petitioners would be entitled to make application for post facto sanction on payment of such fee that may be assessed. Such show cause and applications must be filed within one month from today. On such being filed, the concerned respondent would fix a date for hearing the matter and then after hearing the parties, dispose of the cases by a speaking order in this regard.

2. With the aforesaid observation/ direction the writ applications are disposed. Let a copy of this order be given to the learned counsel for the Municipal Corporation for communication to the authorities immediately.