

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**W.P.(C) No. 3255 of 2021**

Dr. (Mrs.) Kalawati Ohdar

..... ... Petitioner

-Versus-

1. The State of Jharkhand
2. The Deputy Commissioner, Ranchi
3. The Mayor, Ranchi Municipal Corporation, Ranchi
4. The Municipal Commissioner, Ranchi Municipal Corporation, Ranchi
5. The Secretary, Urban Development & Housing Department, Ranchi
6. Bhaiya Surendra Nath Shah (Ex Army), President Jharkhand Against Corruption

.... .... Respondents

**CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR**

For the Petitioner : Mr. Krishna Murari, Advocate

For the Resp.-RMC : Mr. Prashant Kumar Singh, Advodate

**Order No. 02**

**Dated: 08.09.2021**

The present case is taken up today through video conferencing.

**2.** The present writ petition has been filed for quashing the order as contained in memo no. 391 dated 11.08.2021 (Annexure-5 to the writ petition) passed by the respondent no. 4- the Municipal Commissioner, Ranchi Municipal Corporation (RMC), Ranchi in U.C. Case No. 226 of 2021 whereby the petitioner has been directed to demolish the first and second floor as well as asbestos shed constructed on the third floor of the building within 30 days failing which the same would be demolished by use of force.

**3.** Mr. Prashant Kumar Singh, learned counsel for the respondent-RMC, at the very outset, submits that the petitioner has the statutory/efficacious/alternative remedy of preferring appeal under Section 436(3) of the Jharkhand Municipal Act, 2011 (in short "the Act, 2011") against the impugned order dated 11.08.2021 passed by the respondent no. 4 before the Municipal Building Tribunal constituted under Section 442 of the Act, 2011 and hence the present writ petition is not maintainable.

**4.** Having heard the learned counsel for the parties and keeping in view that the petitioner has the efficacious remedy of preferring appeal before the Municipal Building Tribunal against the impugned order dated 11.08.2021 passed by the respondent no. 4, I am of the view that the present writ petition is not maintainable at this stage. The petitioner is, however, at liberty to prefer appeal against the impugned order dated 11.08.2021 passed by the respondent no. 4 under the aforesaid provision.

**5.** The writ petition is dismissed as not maintainable with aforesaid liberty.