

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No.1714 of 2020

Ranjan Mahto Petitioner

Versus

1. The State of Jharkhand
2. Dhanbad Municipal Commissioner, Dhanbad
3. Chairman, Minerals Area Development Authority (MADA), Dhanbad
..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. Rajesh Kumar, Advocate
For the Respondent No.2 : Mr. Vipul Poddar, Advocate

03/07.07.2020 The present writ petition is taken up today through Video conferencing.

The present writ petition has been filed for quashing the order dated 9th December, 2019 passed by the respondent no.2-Municipal Commissioner, Dhanbad in B.P. Case No.84 of 2018 whereby the said respondent has ordered the petitioner to demolish/remove all the deviation found in the building within 15 days and a penalty of Rs.2,00,000/- has also been imposed for construction of the building in contravention of the Building Regulation under Section 428 of the Jharkhand Municipal Act, 2011. Further prayer has been made for directing the concerned respondents to consider the representation preferred by the petitioner for re-measurement of the building in his presence and in any event, if the deviation is found in the building the same be regularized by imposing adequate fee, fine and penalty as per the prevalent law. It has also been prayed to restrain the concerned respondents from demolishing the deviation found in the building.

Mr. Vipul Poddar, learned counsel appearing on behalf of the respondent no.2 raises an objection with regard to the maintainability of the present writ petition in view of availability of forum of appeal to the petitioner against the impugned order dated 9th December, 2019 passed by the respondent no.2 in B.P. Case No.84 of 2018.

Having heard learned counsel for the parties and keeping in view that the petitioner has efficacious remedy of filing an appeal against the impugned order dated 9th December, 2019 passed by the respondent no.2 in B.P. Case No.84 of 2018 under Section 436(3) of the Jharkhand Municipal Act, 2011 before the Building Tribunal, Ranchi, I am not inclined to entertain the present writ petition. The same is, accordingly, dismissed as not maintainable. The petitioner is however at liberty to prefer an appeal before the Building Tribunal as per the provisions of Jharkhand Municipal Act, 2011.

(Rajesh Shankar, J.)