

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10636 of 2015

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Mohan Kumar Gupta S/o Sri Laxman Prasad Gupta Resident of Agarwa,
P.O. & P.S. Motihari, District East Champaran. Petitioner

Versus

1. The State of Bihar through the District Magistrate, East Champaran at Motihari.
 2. The Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, East Champaran at Motihari.
 3. The Sub Divisional Magistrate, Sadar Motihari, District East Champaran. Respondents
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Appearance :

For the Petitioner/s : Mr. Naresh Kr.Malhotra, Sr. Advocate
Mr. Binod Kumar Sinha, Advocate

For the Respondent/s : Mr. A. Kr. Sinha, AC to GA9

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 31-07-2015 Heard learned counsel for the petitioner and the respondents.

The petitioner prays for quashing letter no. 379 dated 19.6.2015, issued by respondent no.2 by which he has requested respondent no. 3 to depute the Circle officer, Motihari for locking the Laxmi Hotel situated in front of the station.

The petitioner states that pursuant to letter no.239 dated 4.2.2003, the Hotel has been constructed in accordance with the Nazari Map under the supervision of the District Engineer, Zila Parishad, Motihari as per direction of respondent no.2. Further, vide letter no.20 dated 28.1.1999, the petitioner was allowed the parking of the vehicles and installation of generator set in the premises of Dakbunglow Road. In a nut

shell, the petitioner submits that he has made construction only over the land allotted to him vide lease agreement.

Counsel for the respondents submits that the petitioner violated the terms and conditions of lease agreement and made construction over the excess land. The respondents vide letter dated 26.3.2015 show caused the petitioner for removing the surplus construction.

It goes without saying that if any construction is made in excess of the area marked to the lessee, the lessor would be entitled to demolish the same.

The petitioner is given one opportunity to explain his case before respondent no.2, who would look into the matter and dispose of the same by speaking order within four weeks.

Premises of the petitioner would not be sealed till final order is passed by respondent no.2, provided he files representation before him within three weeks.

The writ petition stands disposed of.

(Samarendra Pratap Singh, J)

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