

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14101 of 2015

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1. Naresh Jha, Son of Late Jatadhar Jha, Resident of Mohalla- Bangla Garh, Near Gyandeeep School, P.O. and P.S.- Lalbag, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Urban Development Department, Government of Bihar, Patna.
3. Darbhanga Municipal Corporation, through its Municipal Commissioner, Darbhanga.
4. The Municipal Commissioner, Darbhanga Municipal Corporation, Darbhanga.
5. The District Magistrate, Darbhanga.
6. The Sub-Divisional Officer, Sadar, Darbhanga.
7. The Circle Officer, Sadar, Darbhanga.
8. Arun Verma, Son of Late Suresh Prasad Verma, Resident of Mohalla- Bangla Garh, Anchal- Sadar, P.O.+P.S.- Lalbagh, District- Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gaurav Govind

For the Respondent/s : Mr. SC16- Abbas Haidar

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 09-10-2015

Heard counsel for the petitioner, counsel for the
Darbhanga Municipal Corporation and the State.

The case of the petitioner is that the respondent
Darbhanga Municipal Corporation (for short ‘the Corporation’) is
forcibly constructing the concrete road on the land of the petitioner
bearing survey plot no. 2653, Touzi no. 3338, Pargana-Haveli
Darbhanga, Mohalla-Bangla Garh. The said land measuring 1 katha,
7 dhurs claimed to have been purchased by the petitioner through a
registered sale deed on 20.01.1976.

Counsel for the petitioner, in support of his submission, has referred to the averments made in paragraph nos. 12,13,14 and 15 of the writ petition. It is submitted that the respondents are hell bent upon to construct the concrete road on the said land of the petitioner instead of removing the encroachment made over the public road by the respondent no.8.

Counsel for the Corporation, on the other hand, submitted that there is nothing on record to indicate that the grievance as raised in this writ application was raised before the Municipal Commissioner of the respondent-Corporation. It has only been stated that he met the Municipal Commissioner on few occasions.

Having considered the submissions of the parties, in my view, the petitioner should approach by filing an appropriate application the Municipal Commissioner of the respondent Corporation ventilating the aforesaid grievance who shall look into the said grievance of the petitioner and take remedial measures as required in law as quickly as possible preferably within 03 weeks from the date of filing of such representation.

The application is disposed of.

(Kishore Kumar Mandal, J)

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