

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7445 of 2014

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1. Hari Narayan Singh S/o Late Nathuni Singh Resident of Mohalla- Station Chowk Ward no. 36, P.S- Bettiah Town, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Urban Development Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Urban Development Department, Govt. of Bihar, Patna.
3. The Collector- cum- District Magistrate, Bettiah, West Champaran.
4. The Nagar Parisad, Bettiah, West Champaran, West Champaran.
5. The Chairman, Nagar Parisad, Bettiah, West Champaran.
6. The Executive Officer, Nagar Parisad, West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Respondent/s : Mr. Krishna Chandra Jha, A.C. to A.A.G. 14

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 18-05-2015 None appears on behalf of the petitioner and there is no representation on behalf of the Nagar Parishad either.

Mr. Krishna Chandra Jha, A.C. to A.A.G. 14 is present.

The petitioner has moved this Court questioning the order of stay issued by the Executive Officer, Nagar Parishad, Bettiah, West Champaran whereby the permission granted for reconstruction of a shop has been stayed. A copy of such order dated 3.4.2014 is placed at Annexure-7 to the writ petition.

It is the case of the petitioner that even when the Electoral College of the Nagar Parishad had granted permission to the petitioner to reconstruct the shop at the site where it existed but on his own expenditure, arbitrarily the order of stay has been passed.

A counter affidavit has been filed by the Municipal

Corporation, a copy of which was served on learned counsel for the petitioner on 23.12.2014 but no rejoinder has been filed thereto.

The counter affidavit at Annexure-3 encloses an order dated 15.9.2014 of the Executive Officer whereby the earlier permission granted to the petitioner for reconstruction of the shop dated 21.2.2014 placed at Annexure-5 to the writ petition has been cancelled in the light of the report submitted by the Circle Amin. It is stated in paragraph 14 of the counter affidavit that the son of the present petitioner is a Ward Commissioner and after a public nuisance was created on the proposed construction that the Executive Officer became aware of the fact that any construction would adversely effect the drainage system. A report of the Circle Amin is present at Annexure-1 to the counter affidavit and which was forwarded to the Board of the Nagar Parishad who decided to cancel the earlier allotment of the petitioner. In the light of the said decision of the Board that the order dated 15.9.2014 was passed by the Executive Officer recalling his earlier order dated 21.2.2014 placed at Annexure-5 to the writ petition.

In the circumstances discussed in the counter affidavit, no cause for indulgence is made out and the writ petition is disposed of.

Bibhash/-

(Jyoti Saran, J)

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