

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2551 of 2014

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Vishwanath Prasad Chourasia, S/O Late Moti Ram, resident of Village, P.O
and P.S- Jamhor, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Collector, Aurangabad.
3. The Zila Parishad through the Deputy Development Commissioner-
cum- Executive Officer, Aurangabad.
4. The Deputy Development Commissioner -cum- Chief Executive
Officer, Zila Parishad, Aurangabad.
5. The Chief Executive Officer, Zila Parishad, Aurangabad.
6. The Officer -in- Charge, Jamhor Police Station, Aurangabad, District-
Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Parth Gaurav Mr. Ranjan Kumar Dubey Mr. Rakesh Chandra Ms. Sangeeta Sharma
For the Respondent-State	:	Mr. Rakesh Kumar Singh, AC to GP-3
For the Zila Parishad	:	Mr. Nikesh Kumr

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

7 28-08-2015 Heard Mr. Parth Gaurav, learned counsel appearing

on behalf of the petitioner, learned counsel for the State and Mr.

Nikesh Kumar, learned counsel appearing for the Zila Parishad,

Aurangabad.

The petitioner is aggrieved by the general notice
dated 26.9.2013 issued under the signature of the Additional
Chief Executive Officer, Zila Parishad, Aurangabad calling upon
the general public to file applications for settlement of a piece of
land having an area of 20'x12' in plot no.573 of khata no.350 at



village- Jamhor in the district of Aurangabad. The grievance of the petitioner is that should the settlement be allowed and the commercial shops are allowed to be constructed, the house of the petitioner would become land locked with no passage for ingress and egress. A copy of the public notice is present at Annexure-1 and its paper publication is present at Annexure-2 and which have been issued on 28.11.2013 and 11.12.2013 respectively.

It is stated by Mr. Nikesh Kumar, learned counsel appearing for the Zila Parishad that although the public notice was in relation to construction of shops at Kasma and Jamhor and whereas the constructions have taken place at Kasma but in so far as the settlement at Jamhor is concerned, the same has not been acted upon presently.

I have heard learned counsel for the parties and perused the records.

The grievance so raised by the petitioner is genuine and the Zila Parishad while discharging its functions cannot arbitrarily block the very passage to the house of the petitioner. The Zila Parishad does not deny the grievance rather proceeds to submit vide statement made in paragraphs 5 and 6 of the counter affidavit that presently they have not acted upon the general

notice.

In the circumstances so discussed and considering the stand taken by the Zila Parishad as well as the State that the notice though issued in December, 2013 has not been acted upon as well as taking into consideration that any construction to be made on the plot in question would block the ingress and egress of the petitioner I am of the opinion that the Zila Parishad should refrain from making any construction which would block the ingress and egress of the petitioner from his house.

In the circumstances the public notice issued by the Zila Parishad dated 26.09.2013 present at Annexure-1 as well as the notice dated 11.12.2013 present at Annexure-2 in so far as it relates to plot bearing no.573 of khata no.350 in village- Jamhor cannot be upheld and to that extent the notice inviting applications is set aside.

The writ petition is allowed.

(Jyoti Saran, J)

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