

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.215 of 2014

With

I.A. No.7031 of 2014

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Smt. Nilam Choudhary, wife of Mahindra Choudhary, resident of Lohoya Nagar, Ward No. 28, P.S.- Lohiya Nagar (O.P.) District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary Urban Development Department.
3. The Municipal Corporation, Begusarai through Addl. Municipal Commissioner.
4. Additional Municipal Commissioner, Municipal Corporation Begusarai.
5. Mayor, Municipal Corporation, Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar
For the Respondent-State	:	Mr. Vivekanand Singh, AC to GA-8
For Municipal Corporation	:	Mr. Tej Pratap Singh
For the Intervener	:	Mr. Rakesh Chandra
		Mr. Chandan Kumar Kashyap

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 16-02-2015 Heard Mr. Rakesh Kumar, learned counsel appearing on behalf of the petitioner, Mr. Tej Pratap Singh, learned counsel appearing for the Municipal Corporation, Begusarai, learned counsel for the State and Mr. Rakesh Chandra, learned counsel appearing for the interveners.

The petitioner is aggrieved by the notice bearing Memo no.68 dated 31.10.2012 and the notice bearing Memo no.72 dated 23.11.2012 placed at Annexures 2 and 8 respectively to the writ petition, whereby the husband of the petitioner has been directed to remove the encroachment made

by him on the public road which is disrupting the movement of the general public.

A counter affidavit has been filed on behalf of the Corporation enclosing the order-sheet in the proceeding placed at Annexure-D and with reference thereto it is submitted by learned counsel for the Municipal Commissioner that it is the husband of the petitioner who has been noticed and thus the writ petition itself is misconceived. He further submits that the husband of the petitioner though has registered appearance in the proceeding but is not cooperating.

Mr. Rakesh Chandra, learned counsel appearing for the interveners has submitted that once the encroachment having earlier been removed the husband of the petitioner has again resorted to it and for which a proceeding has been initiated by the Municipal Corporation.

Heaving heard learned counsel for the parties and taking note of the circumstances that a proceeding has been drawn by the Municipal Corporation, Begusarai and the order-sheet whereof is placed at Annexure-D to the counter affidavit, this writ petition and the interlocutory application are disposed of with a liberty to the petitioner to contest the allegation of encroachment and file her response in support of her

submission.

Let the proceeding be disposed of in accordance with law and after hearing the contesting parties expeditiously and preferably within a period of three months from the date of receipt/production of a copy of this order.

(Jyoti Saran, J)

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