

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2121 of 2015

In
Civil Writ Jurisdiction Case No. 1851 of 2015

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Narendra Nath son of Late Bhola Ram resident of Village-Chanwar Takiya,
P.S and P.O- Sasaram, District - Rohtas at Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Rohtas, Sasaram.
2. Shri Rajeev Ranjan Prakash, son of: name not known, the Executive Officer, Nagar Parishad, Sasaram at Rohtas.

.... Respondent/s

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Appearance:

For the Petitioner/s : Ms. Rekha Prasad, Advocate

For the Respondent/s : Mr. Ansuman Singh, G.P.-24
Mr. Siddharth Shankar Pandey,
Assisting Counsel to G.P.-24

For Sasaram Municipality: Mr. Vijay Shankar Upadhyay, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 09-03-2016 Heard Ms. Rekha Prasad, learned counsel for the

petitioner, learned counsel for the State and learned counsel for the

Nagar Parishad, Sasaram.

The petitioner complains of non-compliance of the order
passed in CWJC No. 1851 of 2015 whereby this Court had
required the Executive Officer to consider the grievance of the
petitioner regarding encroachment by the neighbouring shops and
pass appropriate orders.

A show cause has been filed and in which it is stated that
the encroachment whatsoever is not existing as during inspection
the opposite party did not find any encroachment. In support of the

statement a photograph has been enclosed which is being questioned by Ms. Prasad on its correctness.

Be that as it may, considering the disputed nature of stand taken by the contesting parties on the issue of encroachment, the matter cannot be resolved either in this application or in a writ jurisdiction rather the remedy for the petitioner would lie either under the provisions of the Bihar Public Land Encroachment Act or by way of a suit and if so advised the petitioner shall be at liberty to avail of the same for until such time that it is proven with the aid of evidence either oral or documentary, such issue cannot be adjudicated upon with the help of affidavits.

The contempt application is disposed of.

(Jyoti Saran, J)

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