

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 13107 of 2016

=====

Birendra Kumar Kejriwal, Son of Late Radha Krishna Kejriwal
Resident of Mohalla - Durga Mandir Chowk, P.S. - Naugachhia,
District - Bhagalpur. Petitioner.

Versus

1. The State of Bihar through Principal Secretary Rural Development Bihar, Patna.
 2. The District Magistrate, Bhagalpur.
 3. The Sub Divisional Officer, Naugachia.
 4. The Chairman, Nagar Panchayat, Naugachia.
 5. The Executive Officer, Nagar Panchayat, Naugachia.. Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Sinha, Advocate
For the Respondent/s : Mr. Harish Kumar-GP8

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

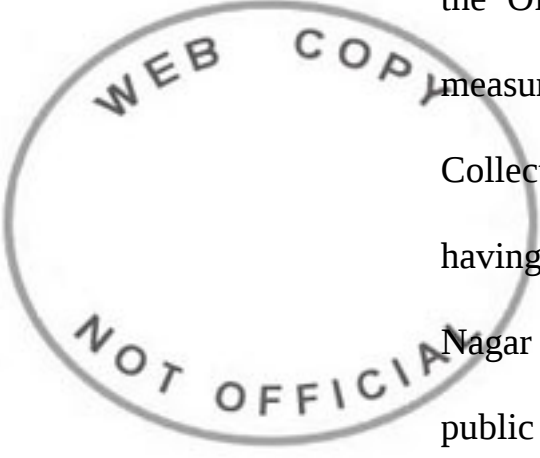
ORAL JUDGMENT

Date: 17-08-2016

As prayed, learned counsel for the petitioner is permitted to make necessary correction in Paragraph 5 of the writ petition in course of the day.

The petitioner seeks direction to the respondents not to demolish his shop located in Muhalla Station Road, Naugachhia (Near Durga Asthan Chouk, Survey Ward No. 2 of Nagar Panchayat, Naugachia), P.S. and Anchal Naugachia, District-Bhagalpur.

It is contended that shop has been constructed on his raiyati land, however, still red mark was put. Thereafter, Annexure-7, which is a notice dated 01.08.2016 came to be issued by the Nagar Panchayat, Naugahcia directing him to get his land



measured by an Amin and submitted that report has been filed in the Office of the Executive Officer. It is contended that the measurement was done in the presence of Anchal Amin and Tax Collector. It is further contended that after such measurement having been done, a report was filed before the Executive Officer, Nagar Panchayat. The petitioner contends that not a single inch of public land or land of Nagar Panchayat or others land has been encroached by him.

Accordingly, this writ application is being disposed of, without going into the merits of the case, with a direction to the Respondent No. 5, Executive Officer, Nagar Panchayat, Naugachia to take a decision in accordance with law upon the measurement done by the petitioner in the presence of Anchal Amin and Tax Collector, which has been appended in Annexure-8 of the Supplementary-affidavit, and take a decision in accordance with law within a period of two months from the date of receipt/production of a copy of this order.

It is made clear that petitioner should be granted opportunity of hearing before taking a final decision.

(Dr. Ravi Ranjan, J.)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12.09.2016
Transmission Date	N/A