

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.1468 of 2014**

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Akhileshwar Prasad Singh @ Akhileshwar Singh S/O Late Mahendra Narain Singh  
R/o Mohalla- Kailashpuri, Ward No. 34, Polytechnic P.S. Saharsa Sadar, District-  
Saharsa

.... .... Petitioner/s

Versus

1. The State Of Bihar through the District Magistrate, Saharsa
2. The Executive Officer, Nagar Parishad, Saharsa

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. SUBODH PRASAD  
For the State : Mr. PRASHANT KUMAR, AC to SC-11  
For the Resp. no. 2 : Mr. SHARVESH CHANDRA VERMA.

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**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL**

**ORAL JUDGMENT**

**Date: 05-09-2016**

Heard both sides.

A counter affidavit on behalf of the Nagar Parishad is filed.

The petitioner has filed rejoinder thereto.

Dispute in the present proceeding relates to 1 Katha 11  
dhurs of land appertaining to New Khesra No. 295, located in Ward  
no. 34 of the Nagar Parishad, Saharsa.

On the basis of information supplied to the petitioner under  
Right to Information Act (Annexure-5 to the rejoinder), it is stated  
that the petitioner's land under the roof extension (chhajja) has been  
used by the Nagar Parishad for construction of the road. The said  
land, according to the petitioner, was purchased through a sale deed  
from the recorded tenant namely Dr. Parth Sarthy Banarjee.

Conversely, respondent-Nagar Parishad on the basis of Annexure-A and B to the counter affidavit, has denied the use of the petitioner's land in construction of the road. Looking to the pleadings of the parties, there appears a serious dispute.

The counsel for the petitioner states that on a representation filed by the petitioner, the Executive Officer of the Nagar Parishad, be directed to re-measure the land of the petitioner in order to see or verify, whether the road has been constructed thereover by the respondent-Nagar Parishad. If that be the case, then the respondents be directed to demarcate the land of the petitioner for his personal use.

The counsel for the Nagar Parishad has strongly disputed the contention of the petitioner that the Nagar Parishad has constructed the road under the Chhajja (roof extension) of his house. He, however, has agreed that if an application is filed and requisite fee is deposited, the on spot verification of the land by the Amin of the Nagar Parishad shall once again be carried out, after notice to the petitioner.

Considering the above, the writ application is disposed of permitting the petitioner to make a representation before the respondent no. 2, whereafter a physical verification/measurement of the land of the petitioner shall be carried out after due notice to the

petitioner to verify whether the road constructed by the Nagar Parishad is over the land of the petitioner. If it is found so, the respondent-Nagar Executive Officer will direct to earmark the land of the petitioner, which shall not be used as part of the road. It is expected, the entire exercise as per the order shall be carried out within two (02) months from filing of the representation.

The writ application is disposed of.

**(Kishore Kumar Mandal, J)**

rohit/-

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