

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21594 of 2013

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Sanjay Kumar Son Of Shri Jagannath Prasad Resident Of Ward No. 10, P.O., P.S.
And District Sheohar

.... Petitioner/s

Versus

1. The State Of Bihar Through The Collector, Sheohar
2. The Nagar Panchayat, Sheohar Through Its Executive Officer
3. The Executive Director, Nagar Panchayat, Sheohar
4. The Sub Divisional Officer, Sheohar
5. The Circle Officer, Sheohar
6. Abhay Kumar Son Of Moti Lal Sah Resident Of Ward No. 10, P.O., P.S. And District Sheohar

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Gautam Kumar Kejriwal, Adv.
For the Respondent/s : Mr. Madhukar Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 01-10-2018

In the instant writ petition the petitioner has prayed for a direction to the respondent nos. 2 and 3 to take action restraining the respondent no.6 from making any illegal construction without sanction of plan by the Nagar Panchayat, Sheohar on the land situated in Ward No.10 at Khata No. 328, Khesra No.5506, Thana No.163 at Sheohar. A further prayer has been made by the petitioner for issuance of a direction to demolish the construction made by the respondent no.6 in contravention of the Building Rules and not to permit any further construction unless proper set back area from the side of the road as well as from the adjoining plot of land is left by



him.

2. It is contended by the learned counsel for the petitioner that the respondent no.6 started construction of building and boundary wall without getting any plan sanctioned from the Nagar Panchayat, Sheohar and the effect was that he was encroaching the roads on two sides, i.e. in eastern and western sides and it is also obstructing light and air on the land of adjoining raiyat. A complaint in this regard was also made by the petitioner and few others to the Chairman of the Sheohar Nagar Panchayat on 16.01.2009 and the said complaint was referred to the Executive Officer, Nagar Panchayat, Sheohar, but no action has been taken by them.

3. On the other hand, learned counsel for the State submitted that the main contesting party is the Nagar Panchayat, Sheohar, which has not entered into appearance till date. He contended that the matter is quite old and it is not known what is the present status of the alleged construction made by the respondent no.6.

4. Considering the nature of dispute raised in the present writ petition as also the fact that the representation filed by the petitioner before the Nagar Panchayat way back in 2009, the writ petition is disposed of with a direction to the petitioner to file a fresh representation before the Chief Executive Officer, Nagar Panchayat,



Sheohar highlighting his grievances within two weeks from today. In case of filing of such a representation, the Chief Executive Officer, Nagar Panchayat, Sheohar shall be required to consider the same and pass necessary orders in accordance with law expeditiously preferably within a period of six months from the date of filing of the representation.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	04.10.2018
Transmission Date	

