

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24082 of 2018

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Asha Devi, Wife of Late Gopal Prasad, Resident of Mohalla-Ram Rekha
Ghat, Ward No.9, P.S.-Buxar Town, District-Buxar.

... .. Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Buxar, District-Buxar.
3. Sub Divisional Officer, Buxar, District-Buxar.
4. Circle Officer, Buxar Sadar, District-Buxar.
5. Executive Officer, Nagar Parishad, Buxar, District-Buxar.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 04-11-2019 Despite time granted on earlier occasion, no counter
affidavit has been filed on behalf of the respondents.

Learned counsel for the petitioner submits that from
Annexure '2' to the writ application it would appear that the
ancestral house of the petitioner is standing on the land in
question for over 70 years by now and this fact may be found
from the revenue document. It is further submitted that the
Executive Officer, Nagar Parishad cannot restrain the petitioner
from carrying on some repair work in the said house, however,
by issuing Annexure '1' to the writ application the petitioner has
been directed to stop the repair work in the said house. It is
further submitted that prior to issuance of Annexure '1' to the
writ application no show cause notice was issued to the



petitioner and there being no opportunity to the petitioner to submit his stand before the Executive Officer, the impugned action suffers from violation of principles of natural justice.

In the given facts and circumstance where no response have come from the respondents despite opportunity granted to them and no one is appearing on behalf of the respondents today, this Court thinks it just and proper to quash the notice as contained in Annexure '1' bearing Letter No. 2616 dated 08.08.2018 issued under signature of the Executive Officer, Nagar Parishad, Buxar. Annexure '1' is hereby set aside. In case the Executive Officer, Nagar Parishad, Buxar (Respondent No. 5) is of the opinion based on any material that the petitioner cannot be allowed to raise any construction or carry on repair work in the house he will first issue show cause notice to the petitioner and only after giving an opportunity to the petitioner to place his stand an appropriate order shall be passed by the Executive Officer.

This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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