

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20138 of 2019

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Ashok Kumar Jhunjunwala, son of late Niranjan Lal Jhunjunwala, Resident of Sowa Babu Chowk, Mohalla-Lal Bazar, P.S.-Bettiah Town, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Collector-cum-District Magistrate, West Champaran, at Bettiah.
2. Bettiah Municipality (Nagar Parishad) Bettiah, District West Champaran.
3. Executive Officer, Bettiah Municipality (Nagar Parishad), Bettiah, District-West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv.

For the Bettiah Municipality : Mr.Naresh Dikshit, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 30-09-2019 Learned counsel for the petitioner submits that the order as contained in Annexure-1 by which the petitioner has been called upon to remove the alleged encroachment has been passed without giving any opportunity of hearing. Learned counsel submits that before passing the order as contained in Annexure-1, had an opportunity been granted to the petitioner he would have been able to show that no construction stands on drainage.

Mr. Naresh Dikshit, learned counsel representing the Bettiah Nagar Parishad submits that it is open for the petitioner to submit his show cause and if he does so within three weeks from today, the same will be considered by the Executive



Officer, Nagar Parishad, Bettiah and an appropriate view thereon shall be taken before taking any coercive action for removal of the encroachment.

In the aforesaid view of the matter, this writ application is being disposed off taking note of the submissions of the learned counsel representing the Nagar Parishad, Bettiah. Let the petitioner file his objection to the Nagar Parishad, Bettiah within three weeks from today and if that is filed within the prescribed period the same will be considered and an appropriate view thereon shall be taken by passing a reasoned order before initiating any action for removal of the encroachment.

(Rajeev Ranjan Prasad, J)

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