

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21576 of 2019

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Om Prakash Sharma, S/o Late Chhedi Lal Sharma, R/o Ward No. 23, P.O. and
P.S. Bettiah, District (Bettiah) West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Urban Development Department, Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Urban Development Department, Government of Bihar, New Secretariat, Patna.
3. The Collector, West Champaran, Bettiah.
4. The Additional Collector, West Champaran, Bettiah.
5. Executive Officer, Nagar Parishad Bettiah, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Chandra Kant, Adv.
For the Respondent/s	:	Mr.Yogendra Pd. Sinha (AAG-7)
		Mr. Rajeev Kumar Sinha, AC to AAG-7
For Respondent No. 5	:	Mr. Naresh Dikshit, Adv.
		Mr. Priyadarsh Matri Sharan, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 10-12-2019 Heard learned counsel for the parties.

2. Considering the submissions advanced on behalf of the petitioner and learned counsel representing Nagar Parishad, Bettiah, this writ application is disposed of in the light of certain orders passed by this Court, in similar circumstance.

3. My attention has been drawn to the orders of this Court dated 30.09.2019, passed in CWJC No. 19957 of 2019 (Prem Kumar Agarwal vs. The State of Bihar & Ors.) and CWJC No. 20138 of 2019(Ashok Kumar Jhunjunwala vs. The



State of Bihar & Ors.) and it has been submitted by Mr. Naresh Dikshit, learned counsel representing Bettiah Nagar Parishad that if the petitioner submits his show cause against the proposed removal of encroachment within three weeks from today, the same shall be considered by the Executive Officer, Nagar Parishad, Bettiah and appropriate decision shall be taken thereafter, before taking any coercive action for removal of the encroachment in question.

4. This is to be noted that the petitioner has put to challenge a notice dated 14.10.2019, issued by Bettiah Nagar Parishad for demolition of a structure on the ground that the same is an encroachment over a public land caused by the petitioner.

5. Considering the stand taken on behalf of Nagar Parishad, Bettiah and keeping in mind orders passed by this Court dated 30.09.2019, as indicated above, let the petitioner file his objection/ representation/ response to the impugned notice within three weeks from today. An appropriate decision may be taken thereafter by the respondents after considering petitioner's objection/ representation/ response in accordance with law.

6. It goes without saying that if the respondents are



not satisfied with the representation of the petitioner, they will have to pass a reasoned and speaking order and till such order is passed, no coercive steps shall be taken.

(Chakradhari Sharan Singh, J)

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