

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2519 of 2020

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M/s Hotel Mangal Shree, situated at Ward No. 33, Kaviwar Nepali Path, Bettiah, West Champaran through its Manager Shri Gajendra Prasad, aged about 48 Years, male, S/o Late Mangal Mahto, R/o Lal Bajar, Noniya Toli, Ward No. 33, P.S. Bettiah, Bettiah, West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, West Champaran at Bettiah.
2. The District Magistrate, Bettiah, West Champaran.
3. The Bettiah Nagar Parishad through its Executive Officer, Bettiah.
4. The Executive Officer, Nagar Parishad, Bettiah.
5. The Circle Officer, Bettiah, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Subodh Kumar Jha with Mr. Ashok Kumar Gupta, Advocates
For the State	:	Mr. Askhilesh Kumar Sinha, AC to SC 19
For the Respondents No. 3 and 4 :	:	Mr. Priyadarshi Matri Sharan, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 24-02-2020

Heard learned counsel for the petitioner; learned AC to SC 19 for the State and learned counsel for the Nagar Parishad, Bettiah (hereinafter referred to as the ‘Nagar Parishad’).

2. The petitioner has moved the Court for the following reliefs:

“That this writ application is being filed for issuance of an appropriate writ/writs, order/orders in the nature of certiorari for quashing of the letter bearing Memo No. 1588 dated



18.10.2019 issued under the signature of Executive Officer Nagar Parishad Bettiah, Respondent No. 4 by which the respondent No. 4 has directed the office to issue notice to the petitioner for removal of alleged encroachment of Khesra No. 6075/04 under Section 205 of Bihar Municipal Act 2007 and in case of non compliance of the said notice the structure should be removed forcefully over the said plot, without considering the show cause filed by the petitioner in compliance of order dated 30.9.2019 passed in C.W.J.C. No. 18690/2019 to the extent that the petitioner had constructed the hotel “Mangal Shree” after due approval of the map by all the concern authority including the Nagar Parishad Bettiah and further for issuance of a writ in the nature of mandamus for directing the respondent No. 3 Nagar Parishad Bettiah to forthwith repair the Broken structure of concrete slab in front of the hotel by covering the drainage for the reason that the construction of hotel has been made over the rayati/purchased land of the petitioner without even a single inch of encroachment. Since the drainage in following in front of hotel and covering slab of drainage has been broken by the respondent No. 3 by J.C.B. Machine only to put the petitioner in loss for otherwise consideration and further for direction upon the respondents not to disturb the petitioner for smooth running of the Hotel “Mangal Shree” as the same has been constructed after taking huge loan of the Bank and is only source of income to repay the



loan and maintain the livelihood and further for any other appropriate relief or reliefs for which petitioner is entitled from the facts and circumstances of this case.”

3. It is the common ground at the bar that the notice contained in Memo No. 1588 dated 18.10.2019 issued by the Nagar Parishad has since been recalled by the authorities themselves.

4. In view thereof, the writ petition stands disposed off having become infructuous.

5. However, the parties shall have liberty to move before the appropriate forum, in accordance with law, with regard to any fresh cause of action in the matter.

(Ahsanuddin Amanullah, J)

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