

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19297 of 2018

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Vinod Kumar S/o late Anirudh Prasad Resident of Mohalla- Purani Gudari,
Naya Bazar, Ward No. 11, P.S. Bettiah Town, P.O. Bettiah, District- West
Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Urban Development Department, Government of Bihar, Patna.
2. The Secretary, Urban Development Department, Govt. of Bihar, Patna.
3. The District Magistrate, West Champaran at Bettiah.
4. The Nagar Parishad, Bettiah, West Champaran through it's Executive Officer, Nagar Parishad, Bettiah
5. The Executive Officer, Nagar Parishad, West Champaran Bettiah.
6. The Superintendent of Police, West Champaran at Bettiah.
7. The Deputy Superintendent of Police West Champaran.
8. Ashok Sonar, S/o late Raja Ram Sah Resident of Mohalla- Purani Gudari, Naya Bazar, Ward No. 11, P.S. Bettiah Town, P.O. Bettiah, District- West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Aditya Nath Jha
For the Respondent/s : Mr.Yogendra Pd. Sinha- Aag7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-01-2020 This petition filed on 25.09.2018 is listed for hearing
for the first time today before the Court.

Heard learned counsel for the petitioner and learned



counsel for the respondents.

Petitioner has prayed for the following relief:

“(i) To issue a writ in the nature of mandamus commanding and directing the respondent nos. 3 to 5 to ensure the removal of encroachment by and at the hand of the respondent no. 8 who in complete unauthorised manner encroached the public land and despite of the submission of the report regarding admitted encroachment by the Anchal Amin of the respondent No. 4 dated 18.09.2014 (Annexure-1) the report regarding forceful construction by the Assistant of the respondent No. 4 dated 10.11.2014 (Annexure-2) and the notice dated 24.10.2014 bearing letter no. 2403 issued by the respondent no. 5 and the notice dated 06.11.2014 bearing Memo No. 1420 issued by the respondent no. 5 the respondent no. 8 forcefully and unauthorisedly constructed the house over the public land and same has not been removed even after direction of this Hon’ble Court in CWJC No. 1540 of 2015.

(ii) To issue a writ in the nature of mandamus commanding and directing the respondent no. 3 to 5 to ensure the removal of encroachment because despite of public petition and the report received from the R.T.I. Act dated 21.11.2014 bearing letter no. 2543 and a direction by Hon’ble Court in CWJC No. 1540/2015 no action has been taken for removal of the encroachment which was forcefully and



unauthorisely made by the respondent no. 8 over the public land bearing Plot No. 1811 and 1816.

(iii) To ask an explanation cum show cause from the respondents No. 3 to 6 that despite of admitted encroachment and construction over the public land why an appropriate proceeding or action was not taken in conformity of Section 314, 315 and 323 of the Bihar Municipal Act, 2007.

(iv) any other relief or reliefs.”

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the concerned respondents to consider and decide the representation, which the petitioner shall be making afresh within a period of four weeks from today.

Learned counsel for the State states that upon receipt of such request, if any, the same shall be dealt with in accordance with law, expeditiously and positively within a period of three months from the date of receipt thereof.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.



The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

sujit/-

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