

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10664 of 2021

=====

Nayan Kant Tripathi S/o Late Suresh Tripathi, Resident of Purani Bazar, Ward No. 16, Near Dharamshala, Ramnagar, P.S. Ramnagar, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through District- Magistrate, Bettiah, West Champaran.
2. The District Magistrate Cum Collector, Bettiah, West Champaran.
3. The Sub-Divisional Officer, Bagaha, West Champaran,
4. The Circle Officer, Ramnagar, West Champaran.
5. The Executive officer, Nagar Parishad, Ramnagar, West Champaran,

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Respondent/s : Mr.Lalit Kishore (Ag)

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 18-08-2022 This Court, by an order dated 7.7.2022, had issued notice to the Respondent No. 5 i.e. the Executive Officer, Nagar Parishad, Ramnagar, West Champaran, whereafter notices had also been issued by the registry of this Court to the Respondent No. 5 and now, it is apparent from the office note dated 17.8.2022 that the notice has been validly served upon the Respondent No. 5, however, there is no appearance on behalf of the Respondent No. 5, thus, the Respondent No. 5 is proceeded ex parte.

The limited prayer of the petitioner in the present case is to hold the action of the



Respondent No. 5-Municipality to be void and de hors the law of land inasmuch as the boundary wall of the house of the petitioner, which according to the petitioner has been constructed within the perimeter of the raiyati land of the petitioner, has been illegally demolished. It is also prayed that the petitioner be permitted to construct the boundary wall in question inasmuch as it has become unsafe for the petitioner and his family members to stay in the house in question without any boundary wall.

Having regard to the nature of dispute in question and considering the fact that the Municipality is not interested in assisting this Court since they have failed to appear despite valid service of notice upon them, the petitioner is granted liberty to approach the District Magistrate, West Champaran at Bettiah by filing appropriate representation within a period of four weeks from today and in case, such a representation is filed, the District Magistrate, West Champaran at Bettiah shall get the matter inquired into as well as get the



land of the petitioner demarcated whereupon he shall ascertain as to whether the boundary wall of the petitioner has been legally or illegally demolished, whereupon he shall take consequential disciplinary action against the defaulters, in case it is found that the boundary wall of the petitioner has been illegally demolished. It is also directed that the District Magistrate, West Champaran at Bettiah shall ensure that the petitioner is permitted to construct the boundary wall within the perimeter of the raiyati land of the petitioner.

Appropriate decision, as aforesaid, shall be taken by the District Magistrate, West Champaran at Bettiah within a period of eight weeks of the petitioner filing appropriate representation before him.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

Ajay/-
U

U			
---	--	--	--

