

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7677 of 2022

Badal Jaiswal @ Badal Prasad Jaiswal Son of Sri Gopal Prasad Jaiswal,
Resident of Ward No. 9, Taisha, Kishanganj, Police Station-Kishanganj,
District-Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector of the District Kishanganj.
2. The Collector Kishanganj, District-Kishanganj.
3. The Nagar Parishad Kishanganj through its Chairman, Police Station and District-Kishanganj.
4. The Chairman, Nagar Parishad, Kishanganj, District-Kishanganj.
5. The Executive Officer, Kishanganj Nagar Parishad, Kishanganj, District-Kishanganj.
6. Sri Sanjay Kumar Srivastava, the Panel Surveyor Kishanganj Nagar Parishad, Kishanganj, District-Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Veena Kumari Jaiswal, Advocate
For the Respondent/s	:	Mr.Subhash Pd. Singh (GA 3)
	:	Mr. Shiv Kumar, AC to GA 3
For Kishanganj Nagar Parishad	:	Mr. Bindhyachal Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 11-10-2022 Though the present writ petition was filed for restraining the respondents from removing the encroachment in question, which is claimed to be the *raiya* land of the petitioner appertaining to Plots no. 979 and 981, situated under the Kishanganj Nagar Parishad, however, the respondent- State has filed a counter affidavit, wherein two notices dated 18.02.2022 and 06.04.2022 are stated to have been issued in the name of the father of the petitioner for removing the encroachment made over Khesra no. 979. In such view of the matter, the learned counsel for the petitioner submits that that the petitioner would be filing



objections/ reply to the aforesaid notices dated 18.02.2022 and 06.04.2022 before the Executive Officer, Kishanganj Nagar Parishad, Kishanganj i.e. the respondent no. 5, hence, the respondent no. 5 be directed to consider the same and pass appropriate orders, in accordance with law, after considering the documents to be submitted by the petitioner.

Having regard to the facts and circumstances of the case, the present writ petition stands disposed off with liberty to the petitioner to file his objection/ reply to the aforesaid notices dated 18.02.2022 and 06.04.2022, before the respondent no. 5, within a period of six weeks from today and in case, such a reply along with the relevant documents of title and ownership is filed by the petitioner, the same shall be considered by the respondent no. 5 and a speaking and a reasoned order shall be passed thereon, expeditiously. It is needless to state that till the passing of the final order by the respondent no. 5, as aforesaid, *status quo* existing as on today *qua* the land/ house of the petitioner in question shall be maintained.

(Mohit Kumar Shah, J)

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