

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19480 of 2021

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Birendra Kumar Kejriwal Son of Late Radha Krishna Kejriwal, Resident of
Mohalla - Durga Mandir Chowk, P.S.- Naugachhia, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development
Department, Bihar, Patna.
2. The District Magistrate, Bhagalpur.
3. The Sub-Divisional Officer, Naugachhia.
4. The Chairman, Nagar Panchayat, Naugachhia.
5. The Executive Officer, Nagar Panchayat, Naugachhia.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Vinay Kriti Singh (GA 2)
	:	Mr. Kunal Tiwary, AC to GA 2
For respondents 4 and 5	:	Mr. Dhananjay Kr. Gupta, Advocate
	:	Mr. Rajiv Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 05-12-2022 The present writ petition has been filed seeking the
following reliefs :-

*“(i) For issuance of writ in the nature of
certiorary for quashing of the letter no. 1047
dated 08.09.2021 and letter no. 1134 dated
23.09.2021 issued by the Executive Officer,
Nagar Panchayat, Naugachhia by which the
petitioner has been directed to appear on
01.10.2021 with the measurement report of
Tax Daroga and Anchal Amin with respect to
the road bearing Khata no. 564, Khesra no.
659 according to which there is encroachment
over there by Adarsh Hotel which is 5 feet on*



south west corner and 2 feet on north west corner.

(ii) For issuance of a writ in the nature of mandamus restraining the respondents not to take any coercive steps of demotion of the alleged encroachment, which is according to the petitioner on his raiyati land bearing Khata no. 182, Holding no. 205A, Survey Khesra no. 676 constructed since last 100 years by his ancestors.”

The authorities of the Nagar Panchayat, Naugachhia have filed a counter affidavit, wherein it has been stated that measurement and demarcation of the land in question was made by the authorities in presence of the petitioner and his son and it has been found that the petitioner has encroached a portion of the road, whereafter, an order dated 12.11.2021 has been passed by the Executive Officer Nagar Panchayat, Naugachhia holding that the land/ road in question, has been encroached by the petitioner and accordingly, the petitioner has been directed to remove the encroachment in question.

Considering the fact that the present writ petition now involves disputed question of facts, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the learned civil court having competent jurisdiction



for redressal of his subsisting grievances, however, seeks some protection during the interregnum period.

Accordingly, the present writ petition stands disposed off, however, with liberty to the petitioner to take recourse to such remedies as are otherwise available under the law including that of filing a civil suit.

It is needless to state that for a period of six weeks from today, *status quo*, existing as on today, *qua* the land/ house of the petitioner in question shall be maintained, in order to enable the petitioner to avail the alternative remedies, as are available under the law, for redressal of his aforesaid grievances.

(Mohit Kumar Shah, J)

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