

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.209 of 2022

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Usha Singh Wife of Late Chandra Shekhar Singh Resident of Mohalla-
Company Sarai, Ward No.-12, Sasaram, Police Station- Sasaram, District-
Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Urban Development
Department, Govt. of Bihar, Patna.
2. The District Magistrate Rohtas, Sasaram.
3. The District Public Grievance Redressal Officer Rohtas, Sasaram.
4. The Sasaram Municipal Corporation Through Municipal Commissioner,
Sasaram Municipal Corporation, Rohtas, Sasaram.
5. The Municipal Commissioner Sasaram Municipal Corporation, Sasaram,
District- Rohtas.
6. The Additional Municipal Commissioner Sasaram Municipal Corporation,
Sasaram, District- Rohtas.
7. Rajiv Trivedi Son of not known to the petitioner Resident of Mohalla-
Company Sarai, Ward No. 12, Sasaram, Police Station- Sasaram, District-
Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Prasad Singh, Advocate
For the Municipal Corporation	:	Mr. Kinkar Kumar , S.C. 9,

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-02-2022 Heard Mr. Jitendra Kumar Singh, learned counsel

for the petitioner and Mr. Kinkar Kumar, learned SC-9,

appearing for the Sasaram Mnincipal Corporation.

The petitioner claims to be the owner of a piece of

land having MS Plot No. 1706, Survey Khata No. 37/1,

Ward No. 12, situated at Mohalla Company Sarai, Sasaram,

which is being used as Private road of the petitioner and



other residents

Learned counsel for the petitioner submits that as per the Municipal Khatian which was finalized in the year 1930, the Cadestral Plot No. 3 is old Plot number corresponding to Municipal Plot No. 1706. Learned counsel further submits that the petitioner has purchased the land in the year 1982 by way of a registered sale deed and the vendor of the petitioner had left 15 feet wide road as his personal road for ingress and egress. He next submits that the petitioner and other purchasers from his vendor have been using the subject land as *Rasta*/road situated at Plot No. 1706 without any objection from any corner and the petitioner constructed the house after obtaining permission from the Municipality in the year 1987 showing the said road as a dead end. The petitioner was served with a notice at Annexure-2 bearing letter No. 3500 dated 2.12.2021 requiring him to produce the relevant documents in support of her claim and in pursuance thereof, the petitioner has submitted a detailed reply before the Municipal Commissioner, Rohtas at Sasaram vide Annexure-3, on 6.12.2021.



The contention of the petitioner is that without giving him personal hearing, the impugned notice (Annexure-6) dated 17.12.2021 has been served directing the petitioner to remove the encroachment from the subject land within a period of three days.

On the other hand, learned counsel for the Municipal Corporation submits that the petitioner has made encroachment upon the land of the Municipal Corporation and has constructed a gate closing the ingress and egress of the general public. However, learned counsel submits that the interest of justice shall be sub-served if the present application is disposed of with a direction to the Municipal Corporation to dispose the objection/reply filed by the petitioner vide Annexure-3 within a reasonable period of time.

Having heard learned counsel for the parties and taking into consideration the material on record, it appears that the impugned notice dated 17.12.2021 (Annexure-6) has been issued without deciding the objection filed by the petitioner and giving her personal hearing .

Accordingly, I direct Respondent No. 5 the



Municipal Commissioner, Sasaram, to decide the objection of the petitioner by a speaking order after giving opportunity of personal hearing to the petitioner and other interested parties within a period of four months from the date of receipt/production of a copy of this order.

With aforesaid observation/direction, this writ application stands disposed of.

It is made clear that till disposal of the representation/objection of the petitioner, all the parties shall maintain status-quo existing as of today.

(Anil Kumar Sinha, J)

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