

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1759 of 2023

Nilam Devi aged about 50 years, Gender-Female, Wife of Shyam Sundar Sharma, Resident of Dhanawa House, Rang Bahadur Road, Purani Jail Khana, P.S.- Kotwali, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Municipal Commissioner, Gaya Municipal Corporation, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	: Mr. Ashok Kumar, Advocate
For the Municipal Corporation	: Mr. Rabindra Kr. Priyadarshi, Adv.
For the State	: Mr. Ashutosh Kumar Upadhyaya, AC to Sc-9

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-02-2023 The present writ petition has been filed seeking the following reliefs:-

"(i) For quashing the order contained in Memo No. 116 dated 17.01.2023 issued by Respondent No.3 whereby and whereunder, petitioner has been directed to deposit Rs.5,70,260/- within 7 days and further direction has been issued to remove the encroachment within 7 days otherwise the said illegal construction will be removed in presence of Magistrate and Armed Forces and the expenditure incurred in removing the same will be recovered from the petitioner.

(ii) For grant of stay of the order impugned till the disposal of the writ



petition."

At the outset, the learned counsel for the petitioner has submitted that the impugned order dated 17.01.2023 passed by the learned Municipal Commissioner, Gaya Municipal Corporation would show that the petitioner has not been heard and it is an ex-parte order.

The learned counsel appearing for the Municipal Corporation, Gaya submits that the respondent no.3 has no problem, in case the petitioner desires to file appropriate representation setting forth her case, which shall definitely be considered in accordance with law and a reasoned and a speaking order shall be passed afresh, without being prejudiced by the impugned order dated 17.01.2023.

Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose off the present writ petition with liberty to the petitioner to file appropriate show cause reply, treating the impugned order dated 17.01.2023 to be a show cause, within a period of four weeks from today, whereupon the respondent no. 3 shall pass a reasoned and a speaking order in accordance with law, within a period of four weeks thereafter, without being prejudice by the impugned order dated 17.01.2023 and till then, status quo existing as on today



qua the land/house of the petitioner in question shall be maintained.

It is needless to say that in case no reply or representation is filed by the petitioner within a period of four weeks from today, the aforesaid order dated 17.01.2023 shall regain its force and the respondent no. 3 shall enforce the same in accordance with law.

The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

kanchan/-

U			
---	--	--	--

