

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18319 of 2021

Ashok Kumar Chaurasiya S/o Late Jawala Prasad Chaurasiya, R/Muhalla -
Rajendra Nagar, Ward No. 15, P.O. and P.S. - Motihari Town, District - East
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, East Champaran, Motihari.
2. The District Development Officer, Motihari, East Champaran.
3. The Sub Divisional Officer, Motihari, East Champaran.
4. The Circle Officer, Motihari, East Champaran.
5. The Block Development Officer, Motihari, East Champaran.
6. The Chairman, Jila Parisad, Motihari, East Champaran.
7. The Chief Executive Engineer, Motihari, East Champaran.
8. The District Engineer Officer, Jila Parisad, Motihari, East Champaran.
9. The Assistant Engineer, Jila Parisad, Motihari, East Champaran.
10. The S.H.O, Town Police Station, Motihari, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Raj Kishore Prasad, Advocate
For the Respondent/s : Mr.Sajid Salim Khan, SC-25

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 16-01-2023 Learned counsel appearing on behalf of the petitioner submitted that a plot was allotted to the father of the petitioner on which he has constructed a *Gumti*, which has been demolished in garb of anti-encroachment drive.

Learned counsel appearing on behalf of Zila Parisad submitted that he has no instruction to the effect that as to whether any plot was existing in the name of Jawala Prasad Chaurasiya, father of the petitioner, in the year 1968, and on such basis the petitioner had ever claimed his right. He further submitted that he may be granted some time to seek instruction



to that effect.

Mr. Sajid Salim Khan, learned SC-25 appearing on behalf of State submitted that illegal *Gumti* was constructed on the road, which was removed by the district administration and there was no shop which exists on the alleged allotment made to the father of the petitioner. He further submitted that petitioner has not given any description of the plot, which was allotted to his father and raises the very maintainability of the writ petition.

This Court finds that vide memo no. 222, dated 22.06.1995, the petitioner was advised to approach the Zila Parishad.

The petitioner is directed to approach Zila Parishad. The Executive Officer, Zila Parishad is directed to conduct measurement and demarcate as to whether any portion of the constructed shop/Gumti existing on the Khatiyani land or falling in Nagar Parishad has been removed or demolished by the district administration. The Executive Officer, Zila Parishad is directed to communicate the report to the petitioner within a period of four weeks to enable the petitioner to pursue appropriate remedy in accordance with law for claiming damages etc.

With the above observation and direction, the present



writ application stands disposed of.

(Purnendu Singh, J)

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