

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20641 of 2019

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1. Mukesh Kumar Jhunjhunwala @ Mukesh Kumar Agrawal Son of late Bijay Kumar Jhunjhunwala, Resident of Lal Bazar Ward No. 24, Sowababu Chowk Bettiah, Police Station Bettiah Town, District- West Champaran.
 2. Bal Krishna Jhunjhunwala@ Bal Krishna Agrawal Son of late Sushil Kumarn Jhunjhunwala, Resident of Lal Bazar Ward No. 24, Sowababu Chowk Bettiah, Police Station Bettiah Town, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, West Champaran, Bettiah.
2. Bettiah Municipality (Nagar Parishad), through its Chairman Bettiah Municipality, District- West Champaran.
3. Executive Officer, Bettiah Municipality (Nagar Parishad), District- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh, Advocate
For the Respondent/s : Mr. Yogenra Prasad Sinha, AAG 7

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 28-06-2023 Heard the parties.

The present petition has been filed for issuance of a writ in the nature of certiorari quashing the order/notice issued by respondent no.3 to the petitioners contained in memo no.1220/1219 dated 5.9.2019 for removal of construction (alleged encroachment) over the part of the plot no.5770/5769 situated in Mohalla Lal Bazar Wars No.24 in the town of Bettiah and or to grant any other relief or reliefs for which petitioners are legally entitled in the facts and circumstances of the case.

Learned Counsel for the petitioner submits that he is



given a hearing by the Nagar Parishad, Bettiah and only thereafter, they passed an appropriate order.

He submits that in the similar situate matter, the Patna High Court in CWJC No. 20138 of 2019 vide order dated 30.09.2019 has already granted said liberty to the petitioners who had moved this Court.

Learned Counsel appearing for the Nagar Parishad, Bettiah do not have any objection to it.

The writ petition accordingly stands disposed of with an observation that if the petitioner approaches the Bettiah Municipal Corporation (Nagar Parishad, Bettiah has now been upgraded) within a period of four weeks from today, the Municipal Commissioner is duty bound to pass a reasoned order within a period of three months form the date of filing of the representation.

The writ petition stands disposed of.

Till then, the status quo as existing today shall be maintained.

(Rajiv Roy, J)

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