

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21387 of 2019

1. Nurrudin Ansari S/o Late Lal Mohammad Ansari, Resident of Baswariya, Badhi Tola, Bettiah, P.S.-Bettiah Town, District-West Champaran.
2. Brajesh Kumar, S/o Bhola Prasad, Resident of Ghoom Nagar, Kachari Tola, P.S.-Bettiah, District-West Champaran.
3. Prajapati Sharma, S/o Ram Lochan Sharma, Resident of Baswariya, Badhi Tola, Bettiah, P.S.-Bettiah Town, District-West Champaran.
4. Raj Kumar Sharma, S/o Ganga Sharma, Resident of Baswariya, Badhi Tola, Bettiah, P.S.-Bettiah Town, District-West Champaran.
5. Manoj Kumar, S/o Yogendra Sharma @ Rajendra Sharma, Resident of Saheed Park, Alok Bharti Road, P.S.-Bettiah, District-West Champaran.
6. Nasir Imam @ Imam Nasir, S/o Late Abdul Salam Khan, Resident of Baswariya, Badhi Tola, Bettiah, P.S.-Bettiah Town, District-West Champaran.
7. Pramod Kumar, S/o Yogendra Sharma, Resident of Saheed Park, Alok Bharti Road, P.S.-Bettiah, District-West Champaran.
8. Hari Narayan Sharma, S/o Mangru Sharma, Resident of Baswariya, Badhi Tola, Bettiah, P.S.-Bettiah Town, District-West Champaran.
9. Kapil Dev Prasad, S/o Late Bijli Sharma, Resident of Chautariya Tola, Bettiah, P.S.-Bettiah, District-West Champaran.
10. Umesh Sharma, S/o Natthu Sharma, Resident of Baswariya, Badhi Tola, Bettiah, P.S.-Bettiah Town, District-West Champaran.
11. Mohan Sharma, S/o Late Thakur Sharma, Resident of Baswariya, Badhi Tola, Bettiah, P.S.-Bettiah Town, District-West Champaran.
12. Kalawati Devi, W/o Dhruv Sharma, Resident of Baswariya, Badhi Tola, Bettiah, P.S.-Bettiah Town, District-West Champaran.
13. Anjani Kumar, S/o Singhasan Raut, Resident of Jagjivan Nagar, Ward No. 27, Bettiah, P.S.-Bettiah, District-West Champaran.
14. Shamsh Azaz, S/o Late Md. Hafiz Abdullah, Resident of Baswariya, Badhi Tola, Bettiah, P.S.-Bettiah Town, District-West Champaran.
15. Ramchandra Sharma, S/o Chunnu Sharma, Resident of Baswariya, Badhi Tola, Bettiah, P.S.-Bettiah Town, District-West Champaran.
16. Ashraf Imam, S/o Late Abdul Salam Khan, Resident of Baswariya, Badhi Tola, Bettiah, P.S.-Bettiah Town, District-West Champaran.
17. Bablu Sharma, S/o Durga Sharma, Resident of Baswariya, Badhi Tola, Bettiah, P.S.-Bettiah Town, District-West Champaran.
18. Reshma Devi, W/o Bharat Sharma, Resident of Baswariya, Badhi Tola, Bettiah, P.S.-Bettiah Town, District-West Champaran.

... .. Petitioner/s



Versus

1. The State of Bihar through the Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
3. The District Magistrate, West Champaran, Bettiah at West Champaran.
4. The ADM, Bettiah, West Champaran.
5. The Nagar Parishad Bettiah, West Champaran through its Chief Executive Officer.
6. The Chairman, Nagar Parishad, Bettiah, West Champaran.
7. The Chief Executive Officer, Nagar Parishad, Bettiah, West Champaran.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 20098 of 2019

1. Bharat Sharma, S/o Vaidayanath Sharma, Resident of Baswariya, Badhi Tola, Bettiah, P.S.-Bettiah Town, District-West Champaran.
2. Chandrika Sharma, S/o Nathu Sharma, Resident of Khadda, Kunjlahi, Tola-Khadda, Bettiah, P.S.-Bettiah, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
3. The District Magistrate, West Champaran, Bettiah at West Champaran.
4. The ADM, Bettiah, West Champaran.
5. The Nagar Parishad Bettiah, West Champaran through its Chief Executive Officer.
6. The Chairman, Nagar Parishad, Bettiah, West Champaran.
7. The Chief Executive Officer, Nagar Parishad, Bettiah, West Champaran.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 20212 of 2019

1. Nurul Imam, S/o Late Abdul Salam Khan, Resident of Ward No. 14, Jora Inar Kalibagh, Near Jora Inar, Bettiah, P.S.-Bettiah Town, District-West Champaran.
2. Ahshana Khatoon, D/o Md. Kasim, Resident of Baswariya, Badhi Tola, Bettiah, P.S.-Bettiah Town, District-West Champaran.



3. Manju Devi, W/o Late Nagina Raut, Resident of Jagjivan Nagar, Bettiah, P.S. Bettiah, District West Champaran.
4. Radhika Devi, W/o Late Asharfi Raut, Resident of Jagjivan Nagar, Bettiah, P.S. Bettiah, District West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
3. The District Magistrate, West Champaran, Bettiah at West Champaran.
4. The ADM, Bettiah, West Champaran.
5. The Nagar Parishad Bettiah, West Champaran through its Chief Executive Officer.
6. The Chairman, Nagar Parishad, Bettiah, West Champaran.
7. The Chief Executive Officer, Nagar Parishad, Bettiah, West Champaran.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 21387 of 2019)

For the Petitioner/s : Mr.Ritesh Kumar

For the Respondent/s : Mr.Mujtabaul Haque (Gp12)

(In Civil Writ Jurisdiction Case No. 20098 of 2019)

For the Petitioner/s : Mr.Ritesh Kumar

For the Respondent/s : Mr.Pankaj Kumar (Sc12)

(In Civil Writ Jurisdiction Case No. 20212 of 2019)

For the Petitioner/s : Mr.Ritesh Kumar

For the Respondent/s : Mr.Ramadhar Singh (Gp25)

For the Corporation : Mr. Priyadarshi Matri Sharan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 03-07-2023 Heard the parties.

As there is/are common prayer(s) in all the writ petitions, for better appreciation, the prayer of CWJC No. 21387 of 2019 is/are being incorporated hereinbelow:

for quashing letter dated 17.9.2019 issued under the signature the respondent no.7, the Chief



Executive Officer, Nagar Parishad, Bettiah by which the petitioners have been directed to vacate their respective shops forthwith failing which the same will be demolished and the cost of demolition will be recovered from the petitioners as also for an alternative arrangement at some other place, since the petitioners are doing their business for the last 40-45 years in the shops. Further, a direction upon the respondents not to proceed with the demolition till alternative arrangements are made for rehabilitating the petitioners, who have got no other source of income apart from present shops.

The paras-8 to 11 of the counter affidavit of the respondents read as follows:

"8. That, in view of the above, the then District Magistrate, West Champaran, Bettiah also directed the erstwhile Nagar Parishad, Bettiah (now Nagar Nigam) for demolishing the illegal construction made over the



Drainage and Public Main Road and, vide Memo No. 1700/legal dated 15.07. 2019, a team of four Amins was constituted and directed for making measurement of the illegal construction made over the Drainage and Public Main Road under the monitoring of the then Executive Officer,Nagar Parishad, Bettiah.

9. That, it is most humbly submitted here that as per the above direction contained in letter dated 03.06.2019 (Annexure-B), the matter was put up before the General Body Meeting of the elected body of Nagar Parishad Bettiah on 10.07.2019 and, thereafter, on 11.09.2019. After considering gravity of the matter, the Board vide Proposal No.7 dated 11.09.2019 decided to take



steps to remove encroachment over the Raod, Nala etc. as also to cancel allotment of shops in accordance with law, which is obstructing construction of Road and free flow of Nala.

10. That, it is most humbly submitted that in compliance of the directions as above of the District Magistrate as well as the General Body Meeting of all the elected members of the Board, the then Executive Officer, erstwhile Nagar Parishad, Bettiah issued notices dated 17.9.2019 which is assailed before this Hon'ble Court.

11. That, it is also most humbly submitted that the petitioners have raised contention that they are running the shops for 40-45 years, which gets falsified from their admission that the shops in



question were constructed in 2000 only".

Further, in paras- 13 and 14, it has been contended by the respondent no.7, the Municipal Commissioner, Municipal Corporation, Bettiah himself that they could have preferred objection either before the Municipality or the District Administration for rehabilitation which could have been considered accordingly.

In that view of the matter, learned counsel for the petitioners jointly submit that they will be filing their respective petitions before the Municipal Commissioner, Municipal Corporation, Bettiah within four weeks from today.

If such representation(s) is/are filed by the petitioners and/or any of the petitioner within four weeks from today, the same shall be considered and a speaking order will be passed within three months from the date of filing of the representation.

Learned counsel for the petitioners submit that as they were given interim protection by the coordinate bench of this Court on 27.9.2019 which is still continuing, further protection be given.

Till an order is passed by the Municipal Commissioner, Municipal Corporation, Bettiah, the status quo



as existing today, shall be maintained.

All the writ petitions stand disposed of.

(Rajiv Roy, J)

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