

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.440 of 2020**

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1. Prem Chandra Prasad Son of Sri Ramdev Sah, Resident of Village- Nakardei, Ward No. 7, P.O. Noniyadih, P.S. Nakardei, District- East Champaran.
  2. Anil Sah, Son of Sri Ramdev Sah, Resident of Village- Nakardei, Ward No. 7, P.O. Noniyadih, P.S. Nakardei, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, East Champaran.
2. The Executive Officer, Nagar Parishad Raxaul, P.O. and P.S. Raxaul, District- East Champaran.
3. The Chairman, Nagar Parishad Raxaul, P.O. and P.S. Raxaul, District- East Champaran.
4. The Sub Divisional Officer, Raxaul, P.O. and P.S. Raxaul, District- East Champaran.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Md. Shahnawaz Ali  
For the Respondent/s : Mr.Subash Prasad Singh ( Ga3 )

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

3      31-07-2023                      Heard the parties.

2. The present writ application has been filed for the following reliefs:-

(i) for issuance of writ in the nature of *certiorari* for quashing of the notice no. 25 dated 29.08.2017, issued by executive officer Nagar Parishad Raxaul whereby and where under it is directed to the petitioner to vacate the shop of Nagar Parishad, Raxaul and to depute Magistrate



for dispossessed the petitioner from the shed shop no-37 & 38 Nagar Parishad Raxaul, be issued;

ii) for a direction to the respondent no.2 and 3 to allot and to register the lease agreement in the name of the petitioner which was submitted vide document no. 4854 dated 02.02.2017 and 4855 dated 02.02.2017 in the name of the petitioners as the petitioner is in physical and exclusive possession of the shed shop as per the resolution of the Board of Nagar Parishad, Raxaul be issued.

3. Learned counsel for the petitioner submits that in 2013, 2016 and 2017 notices have been issued to vacate the shop which is in his/father's occupation since 1996 and without any agreement, the said order.

4. Learned counsel appearing on behalf of the Nagar Parishad, Raxaul on the other hand submit that the petitioner is a defaulter and no relief can be granted to him.

5. Considering the fact that notices were issued in 2013 and 2016 itself but the Nagar Parishad, Raxaul slept over the matter which followed up the present notice.

6. In that view of the matter, let the petitioner move



before Nagar Parishad, Raxual within four weeks from today  
with proper representation which shall be decided within next  
three months thereafter.

7. The present writ petition stand disposed of.

**(Rajiv Roy, J)**

Jagdish/Jyoti/-

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