

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5243 of 2024

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Rajkeshwar Singh Son of Late Chamari Singh Presently Resident of Flat no. 3A, Manorma Vatika, Sri Ram Kunj-Phase-III, Near Birsa Minda Park, Nawadih, P.O. and P.S.-Dhanbad, District-Dhanbad. (Jharkhand) and Permanent Resident of Village-Karampur, P.O.-Pawapuri, P.S.-Giriyak, District-Nalanda, (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Nalanda, Bihar.
3. The Sub Divisional Officer, Rajgir, Nalanda.
4. The Sub Divisional Police Officer, Rajgir, Nalanda.
5. The Executive Officer, Nagar Panchayat, Pawapuri, Nalanda.
6. The Circle Officer, Giriyak Nalanda.
7. The Officer Incharge-Pawapuri (O.P.) through S.H.O.-Giriyak, District-Nalanda.
8. Ranjan Kumar Son of Awadhesh Singh Resident of Village-Karampur, P.O.-Pawapuri, P.O.-Giriyak, District-Nalanda.
9. Mohan Singh Son of Late Amir Singh Resident of Village-Karampur, P.O.-Pawapuri, P.O.-Giriyak, District-Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Om Prakash Singh, Advocate
For the State : Mr. Standing Counsel (25)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-09-2024 Heard the parties.

2. The present petition has been filed for the grant of
following reliefs:-

*(I) Issuance of writ in the nature of certiorari for
setting aside the letter no.-130 dated 28/07/2022
issued by the Executive officer Nagar
Panchayat, Pawapuri (Annexure-P/5) which was
issued without verifying the real facts and*



restrained the petitioner to enjoying his property right. Which is unconstitutional.

(II) Issuance of Writ / writs in the nature of Mandamus commanding the Respondents to allowing the petitioner to construct the boundary wall over the land in question and maintain law and order on the spot.

(III) Issuance of such other order/ orders, direction/ directions, relief/reliefs to which the petitioner may found entitled as your Lordships may deem fit and proper.

3. Learned counsel for the petitioner submits that he is constructing a boundary wall for which notice was issued in the year 2022 as would reflect from Annexure P/5. He submitted his show cause immediately thereafter on 01.08.2022 but the Executive Officer sitting tight over the matter which is creating security problem as the boundary is open from one side.

4. The Executive Officer, Nagar Panchayat, Pawapuri is represented through Mr. Ashok Kumar and he submits that if the case has not been disposed of, he will ensure that the same will immediately be disposed of.

5. It is unfortunate that after putting the petitioner on notice who submitted his reply four days later, the Executive Officer, Nagar Panchayat Pawapuri has chosen not to pass any order.



6. This Court wanted to personally summon the officer for the said delayed action but Mr. Ashok Kumar, learned counsel submitted that he will be informing the concerned officer to take immediate steps in the matter.

7. Accepting his words, the writ petition stands disposed of and the Executive Officer, Nagar Panchayat Pawapuri shall be duty bound to dispose of the petition of the petitioner pursuant to the notice issued by his office vide letter no.130 dated 28.07.2022 (Annexure P/5 to the writ petition) within four weeks from today.

8. The writ petition stands disposed of.

(Rajiv Roy, J)

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