

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13200 of 2014

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Mahesh Rai S/o Late Rameshwar Rai Resident of village- New Taridih Ward
No. 13, P.S. Bogh Gaya, District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Nagar Panchayat, Bodh Gaya through its Executive Officer, Bodh Gaya, Gaya.
3. The Executive Officer, Nagar Panchayat Bodh Gaya, Gaya.
4. The Circle Officer, Bodh Gaya, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Advocate
For the Respondent/s : Mr.Gp17- B.J.Verma

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 5 08-08-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1. That the petitioners above named prays before this Hon'ble Court to issue a writ in the nature of CERTIORARI/MANDAMUS or any other appropriate writ or order or direction to respondent authorities to quash the letter / notice bearing memo no. 155 dated 27.1.2014 [Ann- 8] issued by the Executive Officer Nagar Panchayat, Bodh Gaya where by the petitioner has been directed to demolish the construction raised over the plot as the same has been declared illegal.”

2. At the outset, the learned counsel for the petitioner



submits that Miscellaneous Case No.42 of 2013 has been decided ex-parte qua the petitioner herein, by the Executive Officer, Nagar Panchayat Bodh Gaya, Gaya, hence the proceedings of the said case be reopened and the petitioner be granted liberty to file his objections, before the Executive Officer, Nagar Panchayat Bodh Gaya, Gaya, whereafter appropriate orders be directed to be passed on merits and till then the petitioner be granted some protection.

3. The learned counsel appearing for the Nagar Panchayat Bodh Gaya, Gaya submits that time be stipulated for the petitioner to file his objection so that the proceedings do not linger for an infinite period.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioner to file his objections, before the Executive Officer, Nagar Panchayat Bodh Gaya, Gaya, within a period of four weeks from today, whereupon the Executive Officer, Nagar Panchayat Bodh Gaya, Gaya shall grant an opportunity of hearing to the petitioner and pass appropriate orders thereon, in accordance with law, within a period of six weeks, thereafter and till then no coercive action shall be taken against the petitioner.

5. The writ petition stands disposed off on the



aforesaid terms.

(Mohit Kumar Shah, J)

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