

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9788 of 2024

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Krishan Swaroop Yadav Son of Late Singasan Prasad Yadav, Resident of
Village- Bankatwa, Ward No.22, P.S.- Bagaha, District- West Champaran
... .. Petitioner/s

Versus

1. State of Bihar through the Principal Secretary Urban Development, Bihar, Patna.
2. The Collector, west Champaran at Bettiah
3. Superintendent of Police, Bagaha, District- West Champaran
4. The Nagar Parishad Bagaha through its Chairman
5. The Executive Officer, Nagar Parishad Bagaha, District- West Champaran.
6. Station House Officer, Bagaha Police Station, District- West Champaran.
7. Pappu Kumar Son of Late Ganesh Sah, Resident of Village- Bankatwa, Ward No-22, P.S.- Bagaha, District- West Champaran.
8. Manoj Kumar Son of Late Ganesh Sah, Resident of Village- Bankatwa, Ward No-22, P.S.- Bagaha, District- West Champaran.
9. Ashok Kumar, Son of Late Ganesh Sah, Resident of Village- Bankatwa, Ward No-22, P.S.- Bagaha, District- West Champaran.
10. Dhruv Sah, Son of Late Jhansi Sah, Resident of Village- Bankatwa, Ward No-22, P.S.- Bagaha, District- West Champaran.
11. Chhotelal Sah, Son of Late Jhansi Sah, Resident of Village- Bankatwa, Ward No-22, P.S.- Bagaha, District- West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Naresh Chandra Verma, Adv
For the Respondent/s	:	Mr. Kumar Pankaj, AC to Standing Counsel (5)
For Respondents No. 4 & 5:	:	Mr. Prithvi Nath Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 10-09-2024 Heard the parties.

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

*“1. That this writ application is for
issuance of a direction to the
Respondent No.2 to 6 to demolish the
New Additional Construction made by*



Private Respondent No. 7 to 11 over their existing house standing over Bantkawa Mohalla Ward No.22 under Bagaha Nagar Parishad Bagaha District- West Champaran as the construction has been made in violation of Section 313 of the Bihar Miniciapl Act, 2007.

2. That the action of the Respondent No.2 to 5 in not demolishing the new Additional construction is illegal, arbitrary and against the provisions of law and the following law points are involved in this case-

a) Whether when the Respondent No.5 sent notice to Respondent No.7 to 11 to stop construction which is in violation of Bihar Municipal Act, 2007 and Bihar Building Bye Laws, 2014 but the Respondents did not stop the work and are making construction then the Respondent No.5 ought to have demolish the said construction under the provisions of section 315 of Bihar Municipal Act?

b) Whether Private Respondent No.7 to 11 can be allowed to make construction without obtaining sanction for construction under section 314 of Bihar Municipal Act?



c) Whether when the law empowers the Respondent No.4 and 5 to take suitable legal action for demolish such unauthorized construction then they are not justified in sitting over the matter specially when private Respondents are making continuous construction?

d) Whether the Respondent no. 7 to 11 are justified in opening the window in the side of the Petitioner's house specially when there is no land of the Private Respondents left in that side?

e) Whether the action of the Respondents in the present case is in accordance with law?

3. Learned counsel for the petitioner has taken this Court to the different annexures of the writ petition as also the photograph to show that right from the year 2022 (to be precised 04.11.2022), though the respondent no.5 is taking cognizance of the representation and issuing notices to respondent no. 7 to 11, no further step is being taken and in the meantime, the illegal construction is going on. The photograph (Annexure-1) would clearly show that without leaving any space for opening of the building, the construction is being made (if the photograph is of the same structure).



4. Instead of keeping the case pending allowing the respondent no.5 to respond to the charges made by the petitioner that save and except issuing notices, he is doing nothing, it would be appropriate that he takes cognizance of the matter and putting the parties to notice, appropriate steps be immediately taken.

5. In that background, learned counsel for the petitioner is directed to submit his representation along with all the documents/photographs before respondent no.5, the Executive Officer, Nagar Parishad Bagaha, District- West Champaran in next four weeks. If such representation is filed, the respondent no.5 is duty bound to put the other parties to notice and take immediate decision/interim decision in the matter and further the same be taken to its logical conclusion before 31st December, 2024.

6. The writ petition stands disposed of.

(Rajiv Roy, J)

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