

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.355 of 2024**

Abhijit Kumar Pandey Son of Suresh Chandra Pandey, Resident of Hardiya,  
P.S.- Areraj, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, East Champaran.
3. The Sub Divisional Officer, Areraj, District- East Champaran.
4. The Circle Officer, Areraj, District- East Champaran.
5. The Executive Officer, Nagar Panchayat, Areraj, East Champaran.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Kunal Tiwary, Advocate  
For the Respondent/s : Mrs. Archana Meenakshi, G.P. 6

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

2      05-04-2024                      Heard Mr. Kunal Tiwari, learned counsel for the  
  
petitioner while Mr. Harshvardhan is representing the  
  
respondents Nagar Panchayat, Areraj, East Champaran.

2. The present writ petition has been preferred for the  
following reliefs:

*(i) for issuance of writ in the  
nature of Mandamus directing and  
commanding the respondent-authorities for  
removing the encroachment made by the  
respondent-authorities in particularly the  
Executive Officer, Nagar Panchayat, Areraj,  
East Champaran who has constructed road  
in the middle of the private land of the*



*petitioner's land having Khata No. 183, Khesra No. 159 in village – Hardiya, P.S. Areraj;*

*(ii) for issuance of direction in the nature of Mandamus directing and commanding the respondent-authorities to pay adequate compensation to the petitioner for damaging the crop of the petitioner by construction of illegal road over the private land of the petitioner.*

3. Mr. Tiwari, learned counsel for the petitioner submits that the land belongs to late Pandit Dwarika Pandey and there was a 'jamabandi' created, land mutated and rent receipt paid. The current rent receipt of 2023 is also on record. It is his submission that in collusion with the Executive Officer, Nagar Panchayat, Areraj, East Champaran, the road was constructed on his ancestral land and despite request to him, the construction has not been stopped.

4. A counter affidavit has come on behalf of the respondent no. 5 (the Executive Officer, Areraj, East Champaran) and paragraph nos. 6 to 8 read as follows:

*(i) that having received complaint of the petitioner on 05.10.2023, the answering respondent directed the Junior Engineer of the Nagar Panchayat vide letter no. 2208 dated 20.10.2023 to make inquiry into the matter.*



*Pursuant to said direction the Junior Engineer submitted the inquiry report on 20.10.2023 that he has no knowledge of construction of any such road and no order has been passed for construction of such road;*

*(ii) that the answering respondent sent the aforesaid inquiry report to the Sub Divisional Officer, Areraj vide letter no. 2209 dated 20.10.2023 making it clear that the aforesaid road is not being constructed by the Nagar Panchayat Areraj. He also requested the Circle Officer, Areraj and SHO of Areraj police station to take necessary steps in the matter;*

*(iii) that it would be evident from the aforesaid facts that the office of the answering respondent has no concern with the grievance of the petitioner but he has unnecessarily been dragged in the present litigation on complete misconception of facts.*

5. This Counter affidavit has been filed after serving a copy to the learned counsel for the petitioner today.

6. As the case has been called out, after some argument, learned counsel for the petitioner submits that he may be granted liberty to again invoke the writ jurisdiction of this Court, if he gets materials/documents/records to show that the said construction has indeed been made by the Nagar



Panchayat, Areraj, East Champaran.

7. For the present, in view of the categorical statement made by the Nagar Panchayat, Areraj, East Champaran, no relief can be extended to the petitioner as it is not the money of the Nagar Panchayat that has been invested and/or road construction took place as claimed by the petitioner. There is no rebuttal by the petitioner by filing reply to the counter affidavit either.

8. As such, granting said liberty, the writ petition stands disposed of.

**(Rajiv Roy, J)**

Jagdish/-

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