

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2680 of 2024

In
Civil Writ Jurisdiction Case No.18319 of 2021

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Ashok Kumar Chourasiya S/o Late Jawala Prasad Chourasiya, resident of Mohalla Rajendra Nagar, Ward No. 15 (old), New Ward No. 12, P.O. and P.S. Motihari Town, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Mr. Saurav Jorwal, the Collector, East Champaran Motihari.
2. Mr. Saurabh Suman Yadav, the Commissioner, Motihari Nagar Nigam.
3. Shri Sameer Saurabh, the District Development Officer, Motihari, East Champaran.
4. Mr. Shrest Anupam, the Sub Divisional Officer, Motihari, East Champaran.
5. Smt. Sandhaya Kumari, the Circle Officer, Motihari, East Champaran.
6. Mr. Arbind Kumar Gupta, the Block Development Officer, Motihari, East Champaran.
7. Smt. Mamta Rai, the Chairman Zila Parishad, Motihari, East Champaran.
8. Not known to the petitioner, the Chief Executive Engineer, Motihari, East Champaran.
9. Mr. Parmanand Prasad, the District Engineer Officer, Zila Parishad, Motihari, East Champaran.
10. Mr. Surendra Prasad the Assistant Engineer, Zila Parishad, Motihari, East Champaran.
11. Mr. Rakesh Bhaskar, the SHO, town Police Station, Motihari, East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Raj Kishore Prasad, Advocate
For the State	:	AC to Standing Counsel 25
For the O.P. No. 2	:	Mr. Surendra Prasad Singh, Advocate
For the Zila Parishad	:	Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

8 19-12-2025 Heard Mr. Raj Kishore Prasad, learned counsel appearing on behalf of the petitioner; learned AC to learned SC-25 appearing on behalf of the State; Mr. Surendra Prasad Singh, learned counsel for the O.P. No. 2 and Mr. Sanjay Kumar,



learned counsel for the Zila Parishad.

2. This Court vide order dated 16.01.2023 in CWJC No. 18319 of 2021 passed following direction:

"The petitioner is directed to approach Zila Parishad. The Executive Officer, Zila Parishad is directed to conduct measurement and demarcate as to whether any portion of the constructed shop/Gumti existing on the Khatiyani land or falling in Nagar Parishad has been removed or demolished by the district administration. The Executive Officer, Zila Parishad is directed to communicate the report to the petitioner within a period of four weeks to enable the petitioner to pursue appropriate remedy in accordance with law for claiming damages etc."

3. The above direction was passed in background of the fact that the petitioner was allotted Plot No. 2754 along with old building, which was situated in Ward No. 3 now falling in new Ward No. 9. The shop/Gumti is renumbered as Shop No. A/3 measuring 4feet x 8feet pursuant to the application made on 24.09.1998, which forms part of 'Annexure-3' to the main writ petition.

4. A show-cause has been filed on behalf of the Zila Parishad (O.P. Nos. 3,9 and 10) bringing on record joint report of Amin, Junior Engineer and Assistant Engineer, Zila Parishad, East Champaran, Motihari, by which, the District Engineer, Zila Parishad has been informed that as on date, no shop can be constructed on the aforesaid plot, reason being that the area is densely populated.



Pursuant to the said communication, the District Engineer, Zila Parishad, vide letter no. 1014 dated 26.07.2025, informed the Executive Officer, Zila Parishad, East Champaran that due to widening of the road, the Shop/Gumti of the petitioner has been removed in public interest and the same cannot be reconstructed on the said plot. For the above reason based on the information contained in enquiry report submitted by the two officers of the Zila Parishad, the claim of the petitioner was rejected.

5. In such circumstances, the report having been communicated by the Executive Officer, Zila Parishad to the petitioner, it cannot be said that the order dated 16.01.2023 passed in CWJC No. 18319 of 2021 has not been complied with.

6. Accordingly, the present contempt petition is consigned.

7. However, the petitioner may pursue appropriate remedy in accordance with law for claiming damaged etc., which is already contained in the order dated 16.01.2023 passed in CWJC No. 18319 of 2021.

(Purnendu Singh, J)

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