

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2474 of 2026

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1. Prabha Devi Wife of Surendra Prasad Gupta, Resident of Purani Gudari Arya Samaj Road, Ward No. 9, Bettiah, West Champaran, Bihar-845438.
 2. Surendra Prasad Gupta, Son of Late Kashinath Gupta, Resident of Purani Gudari Arya Samaj Road, Ward No. 9, Bettiah, West Champaran, Bihar-845438.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
3. The District Magistrate, West Champaran at Bettiah.
4. The Bettiah Municipal Corporation through the Municipal Commissioner, Bettiah Municipal Corporation, Bettiah, West Champaran.
5. The Municipal Commissioner, Bettiah Municipal Corporation, Bettiah, West Champaran.

... .. Respondent/s

Appearance :

For the Petitioners	: Mr. Abhay Shankar Singh, Advocate Mr. Akshansh Shanker, Advocate Mr. Barun Kumar Singh, Advocate Mr. Amit Kumar Mishra, Advocate
For the State	: Additional Advocate General-9 Mr. Anil Kr. Verma, AC to AAG-9
For the Bettiah Municipal Corp.	: Mr. Priyadarshi Matri Sharan, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 02-04-2026

Heard learned counsel for the petitioners and learned
counsel for the respondent-Bettiah Municipal Corporation.

2. The petitioners have filed the instant application for
the following reliefs :-

“A. For issuance of writ in the nature



of Certiorari for quashing the letter no. 55 dated 10.01.2026 issued by the Municipal Commissioner, Bettiah Municipal Corporation (Annexure-P/7) whereby and where under the Municipal Commissioner has unilaterally cancelled the duly approved Map for Building Construction issued in favour of Petitioner No. 1 Prabha Devi, in the midst of construction when the brick work along with centering for the roof is already complete and only roof casting is to be done, that too without notice or previous show cause to her. The order has been passed in complete violation of the principle of natural justice on false and erroneous grounds and has further directed to immediately stop the ongoing construction work.

B. For issuance of writ in the nature of mandamus directing the concerned respondents to not cause any obstruction in the ongoing construction work as the same was started after duly obtaining all the necessary permissions and approvals from the competent authority.

C. For an interim direction to the concerned respondents to allow the petitioner no.1 to continue the construction work subject to outcome of the present writ petition as sudden stoppage of work is causing extreme financial losses to the petitioners on day-to-day basis.

D. Pass such other order(s) or direction(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the



present case.”

3. It is submitted by learned counsel for the petitioners that by the order impugned communicated by Letter no.55 dated 10.1.2026 issued under the signature of the Commissioner, Nagar Nigam, Bettiah, the map which the petitioner no.1 got sanctioned for construction on her house has been cancelled on the ground that she obtained sanction of the map suppressing the fact about pendency of a case with respect to the land in question.

4. It is submitted by learned counsel for the petitioners that Title Suit no.135 of 2003 was filed by the plaintiff Ramesh Kumar Gupta against the vendors of the plaintiff. Subsequently on purchase of the land in question, the petitioner was also added as a defendant in the said suit. By order dated 25.7.2016, the suit stood dismissed for default.

5. It is the case of the petitioners and not denied by the respondents in their counter affidavit that it was during the period that the suit stood dismissed that the petitioners applied for sanction of their map for construction of their house which was sanctioned by the Nagar Nigam, Bettiah.

6. It transpires that subsequently a Miscellaneous Case no.7 of 2016 came to be filed by the plaintiff for restoration of Title Suit no.135 of 2003 which stood dismissed for default.



7. It is the categorical assertion of the petitioners in reference to the statement made in paragraph no.9 of the writ application that notice was issued in the miscellaneous case to the petitioners on 8.7.2025 and came be served on petitioner no.1 in July, 2025. It is thus contended by learned counsel for the petitioners that the affidavit of the petitioners on which reliance has been placed by the respondent-Nagar Nigam, Bettiah and which has been brought on record as Annexure-C to the counter affidavit of respondent no.5 stating about no case being pending with respect to the land in question having been sworn on 21.6.2025, no incorrect statement was made therein and could not have been made the basis for passing of the impugned order cancelling the map sanctioned by the Nagar Nigam, Bettiah in favour of the petitioners.

8. Though learned counsel for the respondent-Nagar Nigam, Bettiah has tried to contest the above submission made on behalf of the petitioners, however the facts are not in dispute.

9. In view of the facts and circumstances stated herein above, in the opinion of the Court, the Nagar Nigam, Bettiah erred in cancelling the sanctioned map of the petitioners which was communicated to the petitioners by letter dated 10.1.2026 (Annexure-P/7).



10. Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the order impugned contained in Letter no.55 dated 10.1.2026 (Annexure-P/7) issued under the signature of the Commissioner, Nagar Nigam, Bettiah is hereby set aside.

11. The writ application stands allowed.

(Partha Sarthy, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	02.04.2026
Transmission Date	

