

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3530 of 2025

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Sadan Chandra Son of Bisheshwar Prasad Resident of Ward no.08, Nagar Prishad, Jhanjharpur, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Secretary, Road Construction Department, Government of Bihar, Patna.
4. The District Magistrate, Madhubani.
5. The Executive Engineer, Road Construction Department, Road Division, Jhajharpur, District-Madhubani
6. The Sub Divisional Magistrate, Jhanjharpur, District Madhubani
7. The Circle Officer, Jhanjharpur, District Madhubani
8. The Nagar Parishad, Jhanjharpur through its Executive Officer, Jhanjharpur, District- Madhubani.
9. The Chairman, Nagar Parishad, Jhanjharpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Baleshwar Kamat, Advocate
For the State	:	Mr. Vikash Kumar AC to AG
For the R No. 8 & 9	:	Mr. Manoj Kumar, Advocate
		Mr. Raj Narayan Mishra, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-01-2026

This writ petition in the nature of Public Interest

Litigation has been filed seeking for following reliefs:-

“That this writ application in the form of Public Interest Litigation (P.I.L.) is being filed by the petitioner in the representative capacity of the residents of the Nagar Parishad, Jhanjharpur for issuance of an appropriate writ or direction in the nature of mandamus commanding the Nagar Parishad,



Jhanjharpur (Respondent No.8) to refrain from making construction of market complex on public road running from Mohna N.H.27, Thana Chowk to the Saw Mill of Jugal Shah, which is the lifeline of the local residents of the Jhanjharpur Nagar Parishad, and for any other relief or reliefs for which the petitioner is entitled under the law.”

2. Counter affidavit has been filed by respondent no. 8 Nagar Parishad, Jhanjharpur through the Executive Officer, wherein, in paragraph nos. 4 to 13, it is stated as follows:-

“4. That on 25/02/2019, the Deputy Secretary, Urban Development and Housing Department, sent a letter vide letter no. 1265 to the Executive Officer, Nagar Parishad, Siwan regarding raising point according to the provision of Bihar Municipal Corporation Act, 2007 and advising the Municipal bodies to construct market complex on their own to increase their resources and receive money by renting or selling shops in market complex. The municipal body in itself is capable of constructing market complex by taking the decision of its board.

5. That on 1/08/2024, the Executive officer, Nagar Parishad, Jhanjharpur sent a letter vide letter no. 867 to additional Director, Urban Development and Housing Department seeking guidance as to whether the market complex can be constructed using the internal resources or not, in the light of proposal no. 35 of the empowered standing committee meeting of Nagra Parishad, Janjgarpur held on 13/07/2024.

6. That on 06.08.2024 the Executive officer Jhanjharpur has sent a letter to SDO Jhanjharpur for demand the police force removal the encroachment from ward No-3& 4 from Ram Chowk to Thana Chowk and Thana Chowk to west post office Chowk on the said road several persons have encroached the road and construct permanent encroachment on road.

7. That on 08.08.2024 vide letter no-512 the SDO Jhanjharpur has passed the order to remove the encroachment on road and date has been fixed on 10.08.2024 for removal of encroachment and letter



has been sent to the concern authority.

8. That on 28.10.2024 vide letter no-32 the Ass.Engineer Road Construction Depart. Jhanjharpur sent a letter to Executive officer Jhanjharpur for stop the work on the construction which has been made on the border of Road Construction Depart. Jhanjharpur.

9. That on 30.10.2024 the J.E Nagar Parishad, Jhanjharpur sent a letter to the Executive officer Jhanjharpur regarding the work is going on outside the R.C.D Road.

10. That 13.11.2024 vide letter no -1310 the Executive officer Jhanjharpur has sent a letter to C.O Jhanjharpur and C.O Jhanjharpur has sent a letter to Executive officer Jhanjharpur on 20.11.2024 vide letter no-1513 and mention the Khasra no- 3628 (old) 4704 (new) of the plots for measurement of the place regarding the work is going on outside the R.C.D Road or not by Amin and clear it.

11. That on 16.11.2024 the Amin Jhanjharpur has sent a letter to C.O Jhanjharpur with map regarding the work is going on outside the Khasra no- 3628 (old) 4704 (new) of the plots of the R.C.D Road.

12. That the meeting was held in between Shopkeeper of footpath & Bhakapa Male and made compromise between them to allot the shops to Shopkeeper of footpath and the letter has already sent to SDO Jhanjharpur and also letter has been sent to DM Madhbani by Executive officer Jhanjharpur.

13. That with regard to the statement made in Paragraph is not require to construct the market on road because the said road is in the market and most busy road and the said road is not very wide road for construction of Market is false and fit to be dismissed as per annexures of the Counter Affidavit.”

3. On going through the counter affidavit, it is apparent that the averments taken in the writ petition that construction of market complex is going on, on the public road running from Mohna NH-27, Thana Chowk to the Saw



Mill of Jugal Sah is not correct.

4. Learned counsel appearing for the petitioner submits that whatever has been stated by the respondent no. 8 in his counter affidavit is factually not correct.

5. Since in the writ jurisdiction, this Court is not to adjudicate the disputed question of fact, we are not inclined to go into such aspect.

6. It is open to the petitioner to seek appropriate remedy in accordance with law.

7. Accordingly, the writ petition stands disposed of.

(Sangam Kumar Sahoo, CJ)

(Mohit Kumar Shah, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.01.2026
Transmission Date	NA

