

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12314 of 1996

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1. Samastipur Zila Footpath Sangh through its Secretary Indra Narayan Sah Son of Late Sudama Sah, resident of Khatapur, PS-Sarairanjan, District-Samastipur.
 2. Mohammad Jamil Son of Late Md. Gulam Rasul, resident of P.S. and District-Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
 2. The District Magistrate, Samastipur.
 3. The Samastipur Municipality through its Chief Executive Officer, Samastipur.
- Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Amish Kr. Jha, Adv.

For the Respondent/s : Mr. Ashok Kumar Choudhary, AAG-XIII with
Reena Kumar, AC to AAG-XII

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 05-02-2015

Heard learned counsel for the petitioners and learned
counsel for the State.

In this case, petitioners are challenging the order by
which they have been asked to remove the encroachment where they
were running their temporary shops.

Claim has been made that there was an announcement in
the Loudspeaker to remove the encroachment and in pursuance
thereof, a drive was started for removal of the encroachment which
forced the petitioners to approach this Court.

This Court passed an interim order in favour of the
petitioners.

During the pendency of this writ application, the

Municipality entered into an agreement with each and every shopkeeper and granted license to run their respective shops and realised the annual rent.

In such view of the matter, as on to-day petitioners are no longer encroachers but have valid licence, now they cannot be removed in Anti Encroachment Drive.

The State has disputed the claim of the petitioners.

This Court is not giving any opinion on the merit of the case.

Let the petitioners file an appropriate application along with supporting documents before the Collector of the district who will examine the matter and will act in accordance with law.

With the above observation/direction, this petition is disposed of.

Until the Collector of the district disposes the representation, the petitioners will not be removed labelling them as encroachers.

(Shivaji Pandey, J)

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