

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9225 of 2011

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Nagmani Kumar S/O Maheshwar Mishra R/O Vill.- Maghaur, P.S.- Nanpur,
District.- Sitamarhi

.... Petitioner

Versus

1. The State Of Bihar
2. The Collector Cum District Magistrate, Sitamarhi
3. The Sub-Divisional Magistrate, Pupari, Distt.- Sitamarhi
4. The Circle Officer, Nanpur, Distt.- Sitamarhi
5. The Deputy Collector Land Reform, Pupari, Distt.- Sitamarhi
6. Ram Kripal Singh
7. Ganesh Singh
8. Ram Kishore Singh

All S/O Late Gena Singh R/O Vill.- Maghaur, P.S.- Nanpur, Distt.-
Sitamarhi

9. Baijnath Mishra S/O Narayan Mishra

10. (i) Suresh Mishra
- (ii) Dinesh Mishra
- (iii) Tribhuwan Mishra
- (iv) Manibhushan Mishra

11. Lufan Mishra S/O Ram Hariday Mishra

R/O Vill.- Maghpur, P.S.- Nanpur, Distt.- Sitamarhi

Respondent Nos.9 to 11 are residents of village, Maghaur, P.S. Nanpur, District,
Sitamarhi

.... Respondents

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Appearance :

For the Petitioner : Mr. Devendra Kumar, Advocate
For the State : Mr. Shiv Kumar, A.C. to G.A. 7

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 03-09-2015

Heard learned counsel for the petitioner and the State.

Admittedly, the concerned encroachment has been removed. However, the petitioner's grievance is that the debris after removal of the encroachment has still been kept at the site and has not been cleared by the authority.

Today an affidavit has been filed on behalf of the respondent nos.2 to 5 appending Annexure B also which is a letter written by the Anchal Adhikari, Nanpur to the In-charge, Legal Cell of the office of the Collector stating that there is no encroachment upon the concerned land and no debris lying on the spot of the plot. However, learned counsel for the petitioner on instruction submits that this statement is not correct and the garbage is still lying there.

In such a situation, I would direct the District Magistrate, Sitamarhi to personally inspect the plot no.1751 appertaining to khata no.2090 of Village, Maghaur, Thana, 190 and ascertain as to whether the debris is lying there after removal of the concerned encroachment or not. If it is found that debris is still lying there then that should be immediately removed. Such inspection should be made by the District Magistrate in the presence of the petitioner within two weeks from the date of receipt/production of a copy of this order and a report in this regard should immediately be furnished before the Registrar General Patna High Court.

This writ application stands, accordingly, disposed of.

Sanjay-II/-

(Dr. Ravi Ranjan, J)

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