

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17797 of 2015

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S K. Nasaruddin

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra

For the Respondent/s : Mr. Jai Shankar Barnawal, GA 5

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

3 10-12-2015 Heard Mr. Umesh Kumar Mishra, learned counsel for the petitioner, and Mr. Sanjay Kumar, learned Assistant Counsel to Government Advocate-5, appearing for the respondents.

This writ petition, made under Article 226 of the Constitution of India, in the nature of PIL, seeking issuance of appropriate writ, directing the respondents to remove the encroachment on the public road of village Balaha Ali Mardanapur from Makhtab to Masjid and from Masjid to Pucci Road as well as unauthorized construction made by respondent No.8, namely, Sheikh Rahman @ Rahman made thereon, under Bhagwanpur Hat Police Station, in the district of Siwan.

Having regard to the nature of facts which have been pleaded in the writ petition, since grievance of the writ petitioner



is with regard to obstruction of the road because of alleged construction made by respondent No.8, we are, therefore, of the view that in the facts and attending circumstances of the present case, respondent No. 2, namely, District Magistrate, Siwan, is directed to act in terms of the provisions of Section 133 of the Code of Criminal Procedure and the directions given, in the order passed, on 24.11.2015, in C.W.J.C.No. 4309 of 2015 (Sanjay Jha Vs The State of Bihar and Ors) by a Division Bench of this Court.

With the aforesaid observations and directions, this writ petition is disposed of.

(I.A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

A.I./-

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