

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.565 of 2014

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Raj Kumar, S/o Late Laxman Prasad, resident of Mohalla- Mungeriganj,
Ward No. 32, under Municipal Corporation, Begusarai, P.O- Begusarai,
P.S- Begusarai Town, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Urban Development, Government of Bihar, Patna.
2. The Collector, Begusarai, District- Begusarai.
3. The City Municipal Commissioner, Municipal Corporation, Begusarai.
4. The Additional City Commissioner, Municipal Corporation, Begusarai.
5. Smt. Shankuntala Devi, W/o Shri Surendra Kumar Singh @ Munna Singh, resident of Mohalla- Ward No. 32, Mugeriganj Begusarai, P.O- Begusarai, P.S- Begusarai Town, District- Begusarai.
6. Vijay Kumar Maharaj, S/o Late Sitaram Maharaj, resident of Mohalla- Ward No. 32, Mugeriganj Begusarai, P.O- Begusarai, P.S- Begusarai, Town, District- Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar Sinha No.-1

For the Respondent/s : Mr. Anil Kumar Tiwary, AC to AAG-13

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 26-02-2015 Heard Mr. Amrendra Kumar Sinha No.1, learned

counsel appearing for the petitioner and Mr. Anil Kumar

Tiwary, learned Assisting Counsel to Additional Advocate

General No.13 for the State.

The petitioner is aggrieved by the order dated
25.10.2013 passed by the Commissioner, Municipal
Corporation, Begusarai whereby he has refused to take any steps
for removal of encroachment allegedly stated to have been made
by the private respondents.

Mr. Sinha, learned counsel appearing for the
petitioner while contesting such position, has fairly conceded

that a title suit has been filed by his brother against the private respondents for the same relief giving rise to Title Suit No.19 of 2010 and which is pending consideration before the Munsif 1st, Begusarai.

Having heard learned counsel for the parties and taking note of the circumstances reflecting where the parties are litigating before the Civil Court for the same set of grievances against the private respondents, I am of the opinion that notwithstanding the stand taken by the Municipal Commissioner in the impugned order, since the issue remains pending for adjudication before the appropriate forum i.e. the Civil Court, Begusarai, there is no requirement to proceed in the present matter and the parties would be at liberty to raise all issues as raised herein, in the pending suit.

It is made clear that this Court has not expressed any opinion as to the merits of the order passed by the Municipal Commissioner as impugned herein and the issues which are pending in the suit would be decided and adjudicated on its own merits and on the basis of the materials on record.

The writ petition is disposed of.

(Jyoti Saran, J)

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