

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.11853 of 2016**

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Dwarika Nath Prasad Son of Sri Bhola Nath Prasad resident of Ward No.10 Nagar  
Panchayat Sheohar, P.O.+P.S.- Sheohar District- Sheohar

.... .... Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Urban Development,  
Govt. of Bihar, New Secretariat, Patna.
2. The Collector, Sheohar
3. The Superintendent of Police, Sheohar
4. The Sub-Divisional Officer, Sheohar.
5. The Circle Officer, Sheohar
6. The Nagar Panchayat Sheohar through its Chairman, Sheohar
7. The Executive Officer, Nagar Panchayat, Sheohar, District- Sheohar.

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Rajesh Mohan, Advocate

For respondent nos.6& 7 : Mr. S. K. Thakur,  
Mr. Devendra Kumar, Advocates

For the State : Mr. Rajesh Kumar, A.C. to G.P. 3

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**CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN**

**ORAL JUDGMENT**

**Date: 16-11-2016**

Heard parties.

This writ application is being disposed of with a  
direction to the Sub-Divisional Officer to get the plot no.5529 be  
measured and demarcated in the presence of Executive officer  
concerned and the petitioner and if it is found that boundary wall  
concerned has been constructed beyond the area of such plot and  
inside the petitioner's plot then steps would be taken for its  
demolition.

However, this order would not come in the way of the petitioner, if he chooses to approach the appropriate forum for his easementary rights even after such consideration by the authorities. It is further made clear that this Court has not formed or expressed any opinion regarding the merit of the case.

Let the Sub-Divisional Officer fix a date for such measurement and demarcation and give notice to the petitioner and after that he would be required to present on such date. However, it is further made clear that if notice is served upon the petitioner and he does not appear on the date fixed then such measurement would be done even in his absence.

**(Dr. Ravi Ranjan, J)**

Sanjay-II/-

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