

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5155 of 2015

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Raunak Hussain son of Md. Hafiz, Resident of village- Katalpur, Hanumanganj, Police Station- Masharakh, District- Saran. Present Address: At Janta Road, P.O. and Police Station- Digboi, District- Tinsukia (Assam).

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Saran.
3. The S.D.M, Madhora, Saran.
4. The C.O., Mashrakh, Saran.
5. The Officer Incharge Mashrakh Police Station, Saran.
6. Md. Rafique son of Late Md. Yunus
Resident of village- Katalpur, Hanumanganj, Police Station- Masharakh, District- Saran.

.... Respondents

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Appearance :

For the Petitioner : Mr. Zeyaul Hoda, Advocate
For the State : Mr. Harish Kumar, G.P. 32

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 06-01-2016 Heard learned counsel for the petitioner and the State.

It is contended on behalf of the petitioner that the private respondent has encroached upon the public road and has constructed two rooms upon it. It is further contended that he has moved before the S.D.M., Madhora who has passed the order for removal of encroachment under Section 133 of the Cr.P.C., however, no final action has been taken as yet by the authority by removing the encroachment.

A counter affidavit has been filed on behalf of the State. It is contended that the private respondent has moved before

the District and Sessions Judge by filing Criminal Revision No.346/14 and the concerned court has communicated vide Annexure E that the operation of the order of the S.D.M. has been stayed vide order dated 31.03.2015 passed in the criminal revision.

Having regards to the facts and circumstances, this writ petition is being disposed of with a direction to the court concerned to take up this matter on day to day basis and dispose of the same expeditiously preferably within a period of three months from the date of receipt/production of a copy of this order by the petitioner, who will be required to appear before the concerned court along with a copy of this order.

(Dr. Ravi Ranjan, J)

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