

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1628 of 2016

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Nand Kishore Choudhary, S/o Vishwanath Choudhary, resident of village and
P.O. Turki Khararu, P.S. Meenapur, District - Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar
2. The Divisional Commissioner, Tirhut Division, Muzaffarpur
3. The District Magistrate, Muzaffarpur
4. The Deputy Development Commissioner, Muzaffarpur
5. The Sub Divisional Officer, Meenapur, Muzaffarpur
6. The Circle Officer Meenapur, District - Muzaffarpur
7. The Superintendent of Police, Muzaffarpur
8. Ram Krishna Sah, S/o Jiyalal Sah, resident of village - Turki Khararu, P.S.
Meenapur, District - Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Ravi Shankar Sahay, Mr. Ajay Nandan Sahay, Mr. Navin Kr. Jha Vikal, Advocates
For the State	:	Mr. Utsav Kumar, A.C. to G.A. 4

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 30-11-2016

Heard.

It is contended on behalf of the petitioner that despite orders dated 11.04.2011 passed in C.W.J.C. No.6997 of 2006 and the assurance given by the Circle Officer in M.J.C. No.930 of 2013, both orders appended as Annexure 1 and 2 respectively, though septic tank was removed but the pillar was not removed by the Circle Officer and now other persons have started encroaching the plot no.4638, i.e., part of the road.



Accordingly, this writ application is disposed of with a direction to the District Magistrate, Muzaffarpur to look into the matter and initiate a proceeding for removal of the encroachment from the public road in accordance with law after following the procedure laid down thereunder after granting opportunity to all the concerned including the private respondents. Such proceeding of removal of encroachment, if initiated, should be brought to its logical conclusion within a period of three months from the date of receipt/production of a copy of this order.

However, if in his opinion, no encroachment is existing, then he would be required to pass reasoned order which should be immediately communicated to the petitioner.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

