

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15614 of 2016

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Rohit Kumar, son of Sri Laxmi Nath Jha, resident at C/o Mahaeshwar Chandra Niwas, B.B. Srivastava, New Bypass, P.O. - Anisabad, P.S. - Gardanibagh, District - Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. The Divisional Commissioner, Bhagalpur.
3. The District Magistrate, Bhagalpur.
4. The Municipal Commissioner, Bhagalpur.
5. The Sub-Divisional Officer, Sadar, Bhagalpur.
6. The Circle Officer, Jagdishpur, Bhagalpur.

.... Respondents

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Appearance :

For the Petitioner	:	M/s. Manish Kumar No 13, Rohit Kumar, Nitu Kumari No.7, Advocates
For the State	:	MD. Khurshid Alam- AAG12
For the Bhagalpur Municipal Corporation	:	Mr. Ravi Bhushan Verma, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 03-10-2016

Heard Mr. Manish Kumar No 13, learned Counsel, appearing on behalf of the petitioner, and Md. Khurshid Alam, learned Additional Advocate General No.12, appearing on behalf of the State-respondents. We have heard also Mr. Ravi Bhushan Verma, learned Counsel, appearing on behalf of Bhagalpur Municipal

Corporation.

The grievance of the writ petitioner, in this writ petition, made under Article 226 of the Constitution of India, in the nature of Public Interest Litigation, relates to removal of encroachment from the land of Ward No. 13, in front of Nepali Hostel, near Hindustan Press, in the District of Bhagalpur, which is used as *Aam Rasta*.

Having regard to the facts pleaded in this writ petition, the materials on record and, having heard learned counsel for the parties, we find that the subject matter of this writ petition is fully covered by the observations made, and the directions given, by us in the order, dated 24.11.2015, passed in C.W.J.C. No.4309 of 2015 (**Sanjay Jha Vs. The State of Bihar and Others**), reported in 2016(1) PLJR 248.

In view of the above and in the interest of justice, it is hereby directed that respondent No.3, namely, the Collector, Bhagalpur, shall act, in the present matter, in accordance with law, keeping in view the observations made and the directions given in the order, dated 24.11.2015, aforementioned.

The petitioner may furnish to respondent No.3, namely, District Magistrate, Bhagalpur, a copy of this writ petition along with annexures thereto and also a certified copy of this order.

In view of the above, this writ petition is accordingly,

disposed of.

Let a copy of this order be sent by FAX to the Collector,
Bhagalpur.

(I. A. Ansari, CJ)

(Dr. Ravi Ranjan, J)

Spd/-Sanjay

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.10.2016
Transmission Date	NA