

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18522 of 2014

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Surendra Prasad Singh S/O Late (Dr.) Chandrika Prasad Yadav Resident of
Village-Dumariya, P.S-Bihta, Distt.-Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Patna
3. The Sub Division Magistrate, Danapur, Distt.-Patna
4. The Circle Officer, Maner Block, Maner, Distt.-Patna
5. The Executive Officer, Danapur Nagar Parishad, Danapur, Distt.-Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Madan Jeet Kumar

For the Respondent/s : Mr. SC4- MD. RAISUL HAQUE

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 13-02-2018

Heard learned counsel for the petitioner and counsel for the
State as also counsel for the Danapur Nagar Parishad.

The Danapur Nagar Parishad in paragraph no.2 of its counter
affidavit has stated that as per report dated 9.11.2017, the brick
soiling from the part of the petitioner's land has been removed by
the Nagar Parishad Danapur Nizamat, Danapur and there is no
brick soiling on the portion/part of the petitioner's land.

Learned counsel for the petitioner has pointed out that the
letter dated 9.11.2017 showing the report of the Circle Officer
from which it appears that the land of the petitioner measuring 663
Sq.ft. i.e. 1.52 Decimal of land having been utilized for the road.

Learned counsel for the petitioner has further submitted that
though there was a direction to remove the brick soiling but, still



they have not removed the same from the land of the petitioner whereas learned counsel for the Nagar Parishad, Danapur has taken a stand that brick soiling has been removed from the land of the petitioner and there is no encroachment or there is no utilization of the land of the petitioner for the road.

There are disputed question of fact, cannot be looked into in the present petition. If the petitioner files a proper application before the Circle Officer, he will make inspection of the spot and if it is found that the land of the petitioner has been utilized for the purpose of construction of road, in such circumstances, the Nagar Parishad, Danapur Nizamat either will pay the compensation or will vacate the same but, in contra, if the inquiry report goes otherwise, in such circumstances, there will not be any question of making further payment to the petitioner.

With the aforementioned observation and direction, this writ application is disposed of.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.02.2018
Transmission Date	NA

