

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12180 of 2016

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Sandeep Mandal Son of Sri Buchchai Mandal, residence of Village- Sarhila,
P.S. Hathouri, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Samastipur.
2. The Sub-Divisional Officer, Rosera, Samastipur.
3. The Block Development Officer, Shivajee Nagar, Samastipur.
4. The Circle Officer, Shivajee Nagar, Samastipur.
5. The Station House Officer, Hathauri Police Station, District- Samastipur.
6. Mukesh Kumar Mandal, S/o Upendra Mandal resident of Village- Sarhila
P.S. Hathouri, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vinay Kumar Mishra, Advocate.
For Respondent No.6	:	Mr. Prakash Kumar, Advocate.
		Mr. Ravindra Kr. Singh, Advocate.
For the Respondent/s	:	Mr. Sc20- Dr.Anil Kr.Upadhyaya

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 14-05-2019

This writ application has been filed for commanding and directing the Respondents to execute the order passed by the Sub Divisional Officer, Rosera, Samastipur (Respondent No. 2) in M.R. No. 42 of 2014 by which private respondent was directed to remove his poultry farm situated just besides Sarhila High School to some other place, out of residential area.

Heard learned counsel for the petitioner, counsel for the Respondent No. 6 as well as the State.

No counter affidavit has been filed on behalf of the State in compliance of the order dated 23.04.2019.



Counter affidavit has been filed on behalf of Respondent No. 6 wherein it has been stated that he is not having any poultry farm near Sarhila High School. Respondent No. 6 is prosecuting study of law in Jamshedpur. Counsel for the Respondent No. 6 further submits that he has already sent reply to the Memo received by him vide Memo Nos. 330 dated 15.4.2015, 1018 dated 20.8.2016 and 1196 dated 29.9.2016 issued by the office of B.D.O, Shivajee Nagar, Distt. Samastipur, by registered Post on 25.1.2016 that there is no poultry farm either in his name or in the name of his brother. Xerox copy of aforesaid letter has been enclosed as Annexure-‘C’ to the counter affidavit.

The Respondent No. 6 has submitted that he has no poultry farm near the locality and he has already sent reply to the Authorities with regard to the same vide Annexure-‘C’ to the counter affidavit filed on his behalf.

In such circumstances, this Court finds that no direction is required to be issued to the State as prayed for by the petitioner in paragraph-1 of the writ application.

This writ application is accordingly disposed off with liberty to the petitioner to seek appropriate relief before the concerned authority in the event the poultry farm was found existing. In that event Respondent No. 2 shall take steps to



execute the order passed in M.R. No. 42 of 2014 and remove the poultry farm.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18/05/2019
Transmission Date	N.A.

