

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1230 of 2016

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Rajendra Prasad Pandey S/o Late Ram Dutt Pandey Resident of Mohalla -
Bahuar Chaura, P.S. Civil Lines Vishnupad , District - Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar through the District Magistrate, Gaya, District- Gaya
2. The Sub - Divisional officer, Sadar Gaya, District Gaya
3. The Circle officer, Town Gaya, District - Gaya
4. The Senior Superintendent of Police, Gaya, District Gaya
5. The Municipal Commissioner, Gaya Municipal Corporation, Gaya, District -
Gaya
6. Smt. Jyoti Devi W/ol Late Gopal Lal Nakfofa Resident of Mohalla - Bahuar
Chaura, P.S. Civil Lines Vishnupad , District - Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Sinha
For the Respondent/s : Mr.Sanjay Pandey- Gp21

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 11-07-2019 The present writ petition has been filed for directing

the respondents- authorities to remove the encroachment in

question as per the order dated 31.01.2015 passed by the

Sub-Divisional Magistrate, Sadar, Gaya in Misc. case no. 2300

of 2014 as also for directing the respondents to enforce the order

dated 14.08.2015 passed by the S.D.O. Sadar, Gaya.

Per contra, the learned counsel appearing for the

respondents submits that a Title Suit no. 167 of 2015 is pending,

however neither there is any injunction in the said case nor any

stay order has been passed by the learned Court below at Gaya.



At this juncture, the learned counsel for the petitioner submits that the said Title Suit has been filed only after the aforesaid orders dated 31.01.2015 and 14.08.2015 were passed by the Sub-Divisional Officer, Sadar, Gaya.

Having regard to the facts and circumstances of this case, this Court deems it fit and proper to direct the respondents-authorities to remove the encroachment in question in accordance with law after ascertaining as to whether there is any order of stay or injunction in the aforesaid Title Suit no. 167 of 2015, pending before the learned court of Civil Judge 1st, Gaya.

The present writ petition stands disposed off with the aforesaid directions.

(Mohit Kumar Shah, J)

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