

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1744 of 2017

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Sidhnath Tiwary Son of Late Ganesh Tiwary, R/o Village- Manpur, Gopal Pandey Gali, Ward No. 47, Post- Buniyadganj, P.S.- Manpur, District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Divisional Commissioner, District-Gaya.
2. The Collector, Gaya, District- Gaya.
3. The Superintendent of Police, Gaya, District- Gaya.
4. The Commissioner, Municipal Corporation, Gaya.
5. The Sub Divisional Officer, Sadar Gaya, District- Gaya.
6. The Deputy Collector, Gaya, District- Gaya.
7. The Circle Officer, Manpur, District- Gaya.
8. The Station House Officer, Police Station- Manpur, Buniyadganj, District- Gaya.
9. Braj Kishore Tiwary@ Braj Kishore Malviya, Son of Late Girdhari Tiwary, R/o Village- Manpur, Gopal Pandey Gali, Ward No. 47, Post- Buniyadganj, P.S.- Manpur, District- Gaya.
10. Anup Kumar Tiwary @ Anup Kumar Malviya, Son of Braj Kishore Tiwary, R/o Village- Manpur, Gopal Pandey Gali, Ward No. 47, Post- Buniyadganj, P.S.- Manpur, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Adv.
For the State	:	Mrs. Archana Prasad, AC to SC-19
For the Respondent No.4:	:	Mr. Rabindra Priyadarshi, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 29-08-2019 The present writ petition has been filed for directing the State-respondents to remove the illegal encroachment made over Plot No.3725(New) corresponding to Plot No.1141 (Old) by the private respondent no.9 and 10, falling within the Ward No.47 of the Gaya Municipal Corporation, District-Gaya.

The learned counsel for the petitioner has referred to



paragraph 8 to the counter affidavit filed on behalf of Gaya Municipal Corporation wherein, it has been stated that the entire house of respondent no.9 and 10 has been constructed on the municipal land.

On the contrary the learned counsel appearing for the Circle Officer, Manpur, Gaya has submitted that there is no encroachment.

In view of the disputed question of facts this Court deems it fit and proper to direct the District Magistrate, Gaya-cum-Collector, Gaya to make an inquiry into the allegations levelled by the petitioner as aforesaid, within a period of four weeks of receipt/production of a copy of this order and after issuing notice to the encroachers, the District Magistrate, Gaya shall take appropriate action in accordance with law and in case encroachment is found, the same shall be removed forthwith.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J.)

Prakash Narayan

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