

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No. 2430 of 2017
Arising out of
Civil Writ Jurisdiction Case No. 14892 of 2012

1. Arbind Kumar.
2. Sanjay Kumar, Both are Son of Raj Kumar Sharma, Resident of Mohalla-Rampur, P.O.- Mahendru, Police Station- Bahadurpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sanjay Kumar Agrawal, Son of not known to the petitioner, the Collector, Patna.
3. Yogendra Singh, Son of not known to the petitioner, the Sub- Divisional Officer, Patna City, Patna.
4. Ajay Kumar, the Circle Officer, Patna Sadar, Patna.
5. The Patna Municipal Corporation, Maurya Lok, Patna, through Municipal Commissioner, P.M.C., Patna.
6. Abhishek Kumar Singh, the Municipal Commissioner, P.M.C., Maurya Lok, Patna.
7. Sri Satish Kumar Gupta, the Ward Councillor, Ward No. 47, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raj Kumar, Advocate
For the State	:	Mr. Rakesh Ambastha, AC to AAG 7

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 13-08-2019

Heard learned counsel for the petitioners and learned
AAG 7 for the State.

2. The petitioners have moved the Court alleging non-compliance of the order dated 21.07.2016 passed in CWJC No. 14892 of 2012.



3. By the said order, the District Magistrate, Patna was directed to examine the issue relating to encroachment on the flank of the road and if it was found, the same was directed to be removed. In the show cause filed on behalf of opposite parties no. 2 to 4, copy of the order of the Additional District Magistrate, Law and Order, Patna contained in memo no. 3300 dated 30.07.2018, has been brought by which the Anchal Adhikari, Patna Sadar was directed to get the encroachment removed. Copy of memo no. 4763 dated 01.08.2018, which is letter from the Anchal Adhikari, Patna Sadar to the Additional District Magistrate, Law and Order, Patna has been brought on record to indicate that on 01.08.2018, with the help of the police force and Magistrate, the house built on the encroached portion has been removed. The same has been signed by the SHO, Bahadurpur; Incharge Anchal Inspector; Anchal Adhhikari, Patna Sadar; Executive Magistrate, Patna City and the DCLR, Patna City.

4. Copy of the show cause was served on learned counsel for the petitioners on 18.09.2018. There being no rejoinder to the same till date, the Court can safely presume that the order dated 21.07.2016 passed in CWJC No. 14892 of 2012, has been complied with.

5. Accordingly, the application stands disposed off.



6. Learned counsel for the petitioners submitted that the encroachment exists. The Court rejects such submission outright, in view of there being no rejoinder filed for almost one year to the specific stand, along with supporting annexures, to the show cause filed on behalf of the authorities.

(Ahsanuddin Amanullah, J.)

P. Kumar

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