

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24409 of 2019

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Madhu Mala Devi, Wife of Girish Chandra Maharaj, Resident of Muhalla-
Batraha, Ward No. -25, Saharsa, P.S.-Saharsa, District-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Collector, Saharsa.
2. The District Collector, Saharsa.
3. The Sub-Divisional Officer, Sadar, Saharsa.
4. The Executive Officer, Nagar Parisad, Saharsa.
5. The Superintendent of Police, Saharsa.
6. The S.H.O. Police Station, Sadar, Saharsa.
7. The Circle Officer, Kahara, Saharsa.
8. Sheela Kumari, Wife of Baidyanath Mehta, Resident of Muhalla-Ward No. 22 Mosmat Pokhar Parh, Saharsa.
9. Baidyanath Mehta, Son of Late Basudeo Mehta, Resident of Muhalla-Ward No. 22 Mosmat Pokhar Parh, Saharsa.
10. Rajan Kumar, Son of Baidyanath Mehta, Resident of Muhalla-Ward No. 22 Mosmat Pokhar Parh, Saharsa.
11. Rakesh Kumar, Son of Baidyanath Mehta, Resident of Muhalla-Ward No. 22 Mosmat Pokhar Parh, Saharsa.
12. Champala Devi, Wife of Late Bimal Kishore Ojha, Resident of Muhalla-Ward No. 22 Mosmat Pokhar Parh, Saharsa.
13. Deepak Kumar Ojha, Son of Late Bimal Kishore Ojha, Resident of Muhalla-Ward No. 22 Mosmat Pokhar Parh, Saharsa.
14. Sanjay Kumar Ojha, Son of Late Bimal Kishore Ojha, Resident of Muhalla-Ward No. 22 Mosmat Pokhar Parh, Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Maya Shankar Mishra, Advocate
For the State	:	Mr. Rakesh Ranjan, Asstt. Counsel to AAG-12
For the Respondent No.4:		Mr. Abhy Shanker Singh, Advocate
		Mr. B.K. Singh, Advocate
		Mr. Mayank Mohan, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 16-01-2020 Heard learned counsel for the parties.

2. This application has been filed asking the



respondents to remove the encroachment caused by private respondent Nos. 8 to 14 from a '*rasta*' over a piece of land described as Khesra Nos. 192 and 193 admeasuring 3' x 58' in Mohalla Mosmat Pokhar at Saharsa.

3. It is the petitioner's case that the said land was allowed by the said private respondents to be used as passage and an undertaking was given by them to the Executive Officer, Municipal Corporation, Saharsa Municipal to this effect, and they have subsequently resiled from the said undertaking.

4. It is not the case of the petitioner that the land in question is a public land. If according to him, he has right of easement over the land in question, he can approach the appropriate forum in accordance with law. At the same time, it will be open for Saharsa Municipality also to examine whether there has been any violation in construction of their residential houses by the private respondents over the land possessed by them, or not.

3. This writ application stands disposed of.

(Chakradhari Sharan Singh, J)

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