

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9086 of 2021

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1. Suresh Mahto @ Suresh Kumar, Son of Daso Mahto, resident of Mohalla-Jaipur Dhanuki, P.O.-Pahari, P.S.-Agamkuan, Kumhrar, District-Patna.
 2. Deo Sharan Mahto, son of Daso Mahto, resident of Mohalla-Jaipur Dhanuki, P.O.-Pahari, P.S.-Agamkuan, Kumhrar, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its District Magistrate, Sri Chandra Shekhar Prasad Singh, Hindi Bhawan, Chhajubagh, Patna.
2. Sri Upendra Kumar Sharma, Sr. S.P., Gandhi Maidan, Patna.
3. Sri Sushil Kumar, Dy. S.P., Gulzarbagh, Patna City.
4. Sri Rajesh Roshan, S.D.M., Gulzarbagh, Patna City.
5. Sri Jitendra Kumar Pandey, Circle Officer, Sadar, Patna.
6. Sri Abhjit Singh, S.H.O., Agamkuan, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate Mr. Daya Shankar Prasad Sinha
For the Respondent/s	:	Mr. Ajay Kumar, AC to GP- 4

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-03-2022 Heard Mr. Y.C. Verma, learned senior counsel for the petitioners and Mr. Ajay Kumar, learned A.C. to Government Pleader-4 for the State.

Petitioners are aggrieved by the impugned notice at Annexure- 4 to the writ petition issued by Circle Officer, Patna Sadar by which the petitioners have been directed to remove the encroachment from plot no. – 1296 having an area of 2835 sq. ft. situated at village – Kumhrar, Thana No. 12, P.S.- Bahadurpur, District -Patna.



Learned senior counsel for the petitioners submits that petitioners are not concerned with plot no. 1296 and they are claiming their right upon adjacent plot no. 2215 for which there is a suit pending between the petitioners and the State of Bihar and other private defendants bearing Title Suit No. 67 of 1995 in which status quo has been granted by learned Sub Judge II, Patna City. Learned counsel further submits that in the garb of removal of encroachment from plot no. 1296 pursuant to the impugned notice at Annexure – 4 to the writ petition the respondent authorities are intending to demolish the house and structure situated upon plot no. 2215, Khata No. 848 which is subject matter of the aforesaid suit.

On the other hand, Mr. Ajay Kumar , learned counsel for the State submits that the respondent authorities shall proceed only for removal of encroachment in respect of plot no. 1296 and no part of plot no. 2215, Khata No.- 848 shall be touched by them.

In view of the submissions advanced by the parties and taking into consideration the fact that petitioners are not claiming any right over plot no. 1296 which is subject matter of the impugned notice, the present writ application is disposed of with a direction to the respondent authorities to confine their



action on plot no. 1296 only and not on plot no. 2215 pursuant to notice dated 22.02.2021 at Annexure-4 to this writ petition.

Accordingly, the writ petition stands disposed of with aforesaid observation and direction.

(Anil Kumar Sinha, J)

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