

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1562 of 2018

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Renu Mishra Wife of Sri Akhilesh Kumar Mishra, Resident of Mohalla-Rescourse Road, Chakkar Maidan, P.S. Kazi Mohammadpur, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The Union Of India
2. The Defence, Estate Officer, Danapur Cant. Patna.
3. The Administrative Commandant for Station Commander, Chakar Maidan, Circuit House Road, Muzaffarpur
4. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
5. The District Magistrate, Muzaffarpur, District- Muzaffarpur.
6. The Senior Superintendent of Police, Muzaffarpur, District- Muzaffarpur.
7. The Sub-Divisional Officer, East Muzaffarpur, District- Muzaffarpur.,
8. The Station Head Officer, Kazi Mohammadpur Police Station- District-Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate
For the Union of India	:	Mr. Kumar Priya Ranjan, CGC
		Mr. Ankur Apurv Singh, JC to CGC
		Mr. Girish Nandan Abhishek, JC

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 23-08-2022 The present writ petition has been filed seeking the following reliefs:-

“(I) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to remove the fence of barbed wire over the approach road of the house of the petitioner situated in Mohalla-Rescourse Road, Chakkar Maidan, P.S. Kazi Mohammadpur, District-Muzaffarpur bearing Thana No. 351, Ward No. 6, Khata No. 386, Khesra No. 579 made by the



respondent no. 3 on the ground that the said approach road is only the public road of the petitioner which is in use by the petitioner and others since decade on the ground that the said road was held by the District Magistrate, Muzaffarpur vide his order 14.05.2013.”

At the outset, the learned senior counsel for the petitioner Shri N.K. Agarwal has referred to an order dated 05.04.2012 passed by the learned Division Bench of this Court in CWJC No. 6099 of 2012, wherein in a similar case the writ petitioner of that case was granted liberty to approach the District Magistrate, Muzaffarpur by filing a representation, whereupon the District Magistrate, Muzaffarpur was directed to pass appropriate orders upon the same.

The learned counsel for the respondent-Union of India has submitted that the entire area in question is a A-1 defence land and the petitioner is an encroacher, who has encroached a small area of land situated therein, however, he submits that in case this Court is granting the same relief to the petitioner herein as has been granted by the learned Division Bench of this Court in the aforesaid case i.e. CWJC No. 6099 of 2012, the District Magistrate, Muzaffarpur be directed to give an opportunity of hearing to the military authorities, before passing any order upon the representation to be filed by the petitioner.



Accordingly, the present writ petition stands disposed off with liberty to the petitioner to file representation before the District Magistrate, Muzaffarpur and in case such a representation is filed within a period of four weeks from today, the same shall be considered by the District Magistrate, Muzaffarpur and appropriate orders shall be passed thereon after hearing the respondent-Military authorities, expeditiously.

(Mohit Kumar Shah, J)

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