

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3466 of 2018

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Sikandar Heyat @ Md. Sikandar Heyat Son of Md. Nasimuddin, Resident of Village- Quraishi Mohalla, Police Station- Aurangabad Town, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Nagar Parishad, Aurangabad through its Executive Officer, District- Aurangabad.
3. Executive Officer, Nagar Parishad, Aurangabad, Distt.- Aurangabad.
4. Wakil Ahmad @ Md. Wakil Ahmad, S/o Late Abdul Barkat, resident of Ward No. 15, Quraishi Mohalla, P.S.- Aurangabad Town, District- Aurangabad, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Advocate
For the State : Mr. Arun Kumar AC to GP-1
For the Respondent No. 2 & 3: Mr. Surendra Prasad Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 19-07-2022 The present writ petition has been filed seeking enforcement of the order dated 29.08.2017 passed by the Executive Officer, Nagbar Parishad, Aurangabad, in pursuance of the order dated 10.02.2015 passed by a coordinate Bench of this Court in CWJC No. 17785 of 2014, whereby and whereunder though the encroacher i.e. Wakil Ahmad @ Md. Wakil Ahamd has been directed to produce map and requisite documents for the purposes of examining as to whether encroachment has been made or not, but the said Md. Wakil Ahmad has not responded thereto.

At this juncture, the learned counsel appearing for the Nagar Parishad, Aurangabad, by referring to the counter affidavit filed on behalf of the respondent nos. 2 & 3 has submitted that



finally action has been taken against the said Wakil Ahmad @ Md. Wakil Ahmad inasmuch as the Executive Officer, Nagar Parishad, Aurangabad vide notice dated 13.09.2019 has directed him to submit his show cause reply within 20 days of issuance of such notice, failing which appropriate steps would be taken to demolish the construction made over the plot in question.

The learned counsel for the petitioner has informed this Court that till date the encroachment in question has not been removed.

In such view of the matter, the District Magistrate, Aurangabad as also the respondent nos. 2 & 3 are directed to ensure that the aforesaid proceedings are taken to its logical conclusion and in case encroachment is found, the same shall also be removed within a period of 12 weeks of receipt/production of a copy of this order.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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