

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20409 of 2016

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Dinesh Kumar Gupta S/o Late Shivnandan Prasad Gupta r/o Topkhana Bazar
near excise godown and P.O. - Munger, P.S. - Kotwali, District - Munger.

... .. Petitioner/s

Versus

1. The State Of Bihar through Chief Secretary, Bihar.
2. The Principal Secretary, Urban Development and Housing Department,
Government of Bihar, Patna.
3. The Secretary, Home Police, Department Bihar, Patna.
4. Director General of Police, Bihar, Patna.
5. Divisional Commissioner, Munger Division, Munger.
6. District Magistrate cum Collector, Munger.
7. Sub-Divisional Magistrate, cum Sub Divisional Officer Sadar Munger.
8. Land Reform Deputy Collector, Munger.
9. Circle Officer Sadar Munger.
10. Nagar Aayuta, Nagar Nigam Munger Municipal Commissioner, Municipal
Corporation, Munger.
11. Mayor, Nagar Nigam Munger Municipal Commissioner, Municipal
Corporation, Munger.
12. Deputy Inspector General of Police, Munger Range, Munger.
13. Superintendent of Police, Munger.
14. Deputy Superintendent of Police, Munger.
15. The Officer in charge, Kotwali Police Station, Munger.
16. Sadanand Paswan
17. Ramesh Paswan @ Ramesh Kumar Both S/o Late Ramswaroop Paswan @
Ramroop Paswan
18. Shakuntala Devi w/o Late Naresh Kumar Keshri
19. Sanjeev Kumar alias Damru Keshri s/o Late Naresh Kumar Keshri
20. Suresh Sinha s/o presently not known R/o all Topkhana Bazar Katghar, P.S. -
Kotwali, District - Munger Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Dhirendra Nath Jha, Advocate
For the Respondent/s	:	Mr.Yogendra Prasad Sinha-AAG 7
	:	Mr. Rajeev Kr. Sinha, AC to AAG 7
For Munger Municipal Corporation	:	Mr. Anjani Kumar, Sr. Advocate
	:	Mr. Amit Kr. Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-04-2023 The present writ petition has been filed seeking the following reliefs :-

“ (i) To direct the respondent authority to remove the encroachment of public path and public drain over public Land of Municipal plot no.- 1022, Survey ward-B, Sheet No.-B, Mohalla Topkhana Bazar Near Excise Godown Katghar. Munger Old Ward No.-2 at Present Ward No.-11 of Munger Municipality (Nagar Nigam Munger) Munger.

(ii) To direct the respondent authorities to restrain at once the encroachers of Municipal path /public Land/ public drain over Municipal plot no. 1022, Survey ward-B, Sheet No.-8, Mohalla Topkhana Bazar Near Excise Godown Katghar. Munger Old Ward No.-2 at Present Ward No.-11 of Munger Municipality (Nagar Nigam Munger) Munger.

(iii) To direct the respondent authorities No.-1 to 3 to take proper action who did not take suitable action in spite of information of encroachment given by the petitioner to the authority concerned and facilitated the encroachment over Municipal plot no.- 1022, Survey ward-B, Sheet No.-8, Mohalla Topkhana Bazar Near Excise Godown



Katghar. Munger by wrong doer (encroachers) illegally allowing or dispensing them to encroach the public land.”

At the outset, the learned Senior counsel for the respondent- Municipal Corporation, Munger, Sri Anjani Kumar has referred to a letter dated 08.04.2021, issued by the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna, wherein amendment made in ***Section 435 of the Municipal Act, 2007*** has been highlighted, to submit that now the Municipal Commissioner of the Municipality is competent to remove any encroachment made over public road/ *raasta*, hence, the present writ petition be disposed off with liberty to the Municipal Commissioner, Munger Municipal Corporation to take appropriate action, in accordance with law.

Considering the submissions made by the learned Senior counsel for the Municipal Corporation, Munger as also considering the nature of prayer made in the present writ petition, I deem it fit and appropriate to dispose off the present writ petition with liberty to the petitioner to approach the respondent- authorities for redressal of his aforesaid grievances.



The writ petition stands disposed off on the
aforesaid terms.

(Mohit Kumar Shah, J)

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