

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2681 of 2023

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1. Md. Sahadat Son of Md. Garibullah, Resident of Village - Khainsha, P.S. - Jamalpur, District - Darbhanga.
 2. Abdul Gani, Son of Sarafat, Resident of Village - Khainsha, P.S. - Jamalpur, District - Darbhanga.
 3. Md. Ishrafil, son of Shekh Ijharul Haque, Resident of Village - Khainsha, P.S. - Jamalpur, District - Darbhanga.
 4. Mahibullah, son of Shekh Hasmat, Resident of Village - Khainsha, P.S. - Jamalpur, District - Darbhanga.
 5. Shekh Davir Alam, son of Md. Shamsul Haque, Resident of Village - Khainsha, P.S. - Jamalpur, District - Darbhanga.
 6. Motiur Rahman, son of Nasiruddin, Resident of Village - Khainsha, P.S. - Jamalpur, District - Darbhanga.
 7. Ahmed Ali, son of Rafakat Hussain, resident of Village - Khainsha, P.S. - Jamalpur, District - Darbhanga.
 8. Md. Iliyash, son of Md. Ijharul, Resident of Village - Khainsha, P.S. - Jamalpur, District - Darbhanga.
 9. Md. Isha, son of Shekh Izharul Haque, Resident of Village - Khainsha, P.S. - Jamalpur, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Bihar Panchayati Raj Department Government of Bihar, Patna.
2. The Secretary, Revenue Department, Government of Bihar, Patna.
3. The Director, Bihar Panchayat Raj Department, Government of Bihar, Patna.
4. The District Magistrate, Darbhanga.
5. The Land Acquisition Officer, Darbhanga, District - Darbhanga.
6. The Deputy Development Commissioner, Darbhanga, District - Darbhanga.
7. The District Panchayati Raj Officer Darbhanga, District - Darbhanga.
8. The Block Development Officer, Kiratpur, Block - Kiratpur, District - Darbhanga.
9. The Mukhiya, Grampanchayat Khaisha Jamalpur, Block - Kiratpur, District - Darbhanga.
10. The Panchayat Secretary Gram Panchayat, Khaisha - Jamalpur, Block - Kiratpur, District - Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate
For the Respondent/s : Smt. Archana Meenakshee, GP-6

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-07-2023 Learned counsel for the petitioners and learned counsel for the State are present.

Learned counsel for the petitioners has file the present writ petition for seeking direction to the respondent to remove the public toilet which has alleged to be illegally constructed on the raiyati land of the petitioners fraudulently without acquisition of the said land and without following due process of law. It has also been prayed to take proper action against respondent nos. 9 and 10.

Learned counsel for the State submits that the submissions of the petitioners is not correct that the said public toilet has been constructed without consent of the petitioners. From Annexure-2 the consent letter is there but vide Annexure-3 the petitioner himself admits that the consent has been taken by committing fraud.

It is not the case of the petitioners that they are not using the said toilet and they or their family have been prohibited from the using of the said toilet, therefore, this Court is not inclined to interfere and this writ petition is dismissed.

So far as question of committing fraud is concerned, the petitioners are liberty to test the fraud and fabrication by a

competent civil court and upon getting order from the civil court
they shall be at liberty to move for his grievances before
appropriate forum.

(Dr. Anshuman, J.)

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