

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5408 of 2023

1. Ashok Kumar Son of Ram Avtar Prasad, Resident of village - Akhara Ghat Road, Ward No. 9, P.S. Town Muzaffarpur, District - Muzaffarpur.
2. Subodh Kumar Gupta, Son of Late Saryu Prasad Gupta, Resident of village - Akhara Ghat Road, Ward No. 9, P.S. Town Muzaffarpur, District - Muzaffarpur.
3. Arun Kumar Gupta, Son of Late Surayug Prasad, Resident of village - Akhara Ghat Road, Ward No. 9, P.S. Town Muzaffarpur, District - Muzaffarpur.
4. Surydev Prasad @ Surydev Sah, Son of Late Ram Khelawan Sah, Resident of village - Akhara Ghat Road, Ward No. 9, P.S. Town Muzaffarpur, District - Muzaffarpur.
5. Nand Kishore Prasad, Son of Late Rambabu Prasad, Resident of village - Akhara Ghat Road, Ward No. 9, P.S. Town Muzaffarpur, District - Muzaffarpur.
6. Gopal Prasad, Son of Late Biswanath Prasad, Resident of village - Akhara Ghat Road, Ward No. 9, P.S. Town Muzaffarpur, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary Urban Development and Housing Department, Govt. of Bihar Patna.
2. The District Magistrate, Muzaffarpur.
3. The Executive Officer, Nagar Nigam Muzaffarpur.
4. The Executive Engineer, Nagar Nigam Muzaffarpur.
5. The Municipal Commissioner, Muzaffarpur, Municipal Corporation, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prateek Tandon, Advocate
For the Respondent/s : Mr.Yogendra Pd. Sinha (Aag7)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-10-2023 1. The present writ petition has been filed seeking the following relief(s):-

“1. That this is an application for issuance of appropriate writ, order or direction commanding the respondents to show cause as to why letter no. 140 dated 28.1.2023 issued



under the signature of Respondent Municipal Commissioner be not quashed by which petitioners have illegally been directed to remove alleged encroachment over the land in question, irrespective of the fact that said land being private lands of the petitioners, which they have purchased through registered sale deeds, and they have not encroachment any part of land belonging to Municipal corporation.”

2. At the outset, the learned counsel for the parties, jointly submit that the petitioner has already filed objection to the notice dated 28.01.2023, issued by the Municipal Commissioner, Municipal Corporation, Muzaffarpur, hence it be directed that a final decision be taken in the matter.

3. Accordingly, I deem it fit and proper to direct the Municipal Commissioner, Municipal Corporation, Muzaffarpur, to first decide the objections, filed by the petitioner to the notice dated 28.01.2023, by passing appropriate orders under Section 435 of the Municipal Act, 2007 and then proceed further, in accordance with law.

4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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