

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7628 of 2023

Chandrodaya Kumar Sinha Son of late Krishan Nandan Prasad Resident of
Mohalla- Puraniganj, P.S.-Kasim Bazar, District-Munger, (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional chief Secretary Housing and urban development Department, Govt. of Bihar, Patna.
2. The Municipal Commissioner Munger Municipal Corporation, Munger.
3. The Deputy Municipal Commissioner Munger Municipal Corporation, Munger.
4. The District Magistrate Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Suman Kumar Mishra, Advocate
For the State : Mr.Subhash Pd. Singh (GA-3)
Mr. Shiv Kumar, AC to GA-3
For the Respondents No. 2 & 3 : Mr. Karuna Nath Sahay, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-11-2023 The present writ petition has been filed
seeking the following reliefs:-

“1.(i) For quashing the Notice/order dated 21.03.2023 letter No. 519, issued by the Dy. Municipal Commissioner, Munger, whereby and whereunder he has directed to free the encroachment, made over the land bearing survey Ward E seat no.-7 Khesra No. 1323 situated at Puraniganj Ward No.-37, Munger, which belong to Municipal corporation Munger, whereas the



above said land had been purchased by great grandfather of petitioner in Auction sale accordingly certificate was issued by the Court of Munsif -II, Munger in Certificate Case No.- 365/1915 dated 13.11.2015, which is evident from auction certificate dated 19.01.2016 as contained as Annexure-1 to this writ Petition.

(ii) For stay the operation of notice/ order dated 21.03.2023, issued by Dy. Municipal Commissioner, Munger whereby petitioner has been directed to remove the encroachment over the land in question bearing Khesra No. 1323, situated at Mohalla-Puraniganj, Ward No. 37, Munger.”

2. At the outset, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to avail such other alternative remedies, as are otherwise available under the law, including that of filing a suit before the Ld. Civil Court having



competent jurisdiction, for redressal of the aforesaid grievances. Liberty, so sought, is granted.

3. At this juncture, the learned counsel for the petitioner seeks some protection during the interregnum period.

4. Accordingly, I deem it fit and proper to direct that for a period of six weeks from today, status quo existing as on today qua the land/house of the petitioner in question, shall be maintained in order to enable the petitioner to avail appropriate remedies and seek interim relief.

5. The writ petition stands disposed off as not pressed.

(Mohit Kumar Shah, J)

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