

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8374 of 2023**

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1. Md. Adam Son of Late Shehiddun Resident of Mohalla- Sikandarpur Man, P.S- Muzaffarpur Town, P.O- Head Muzaffarpur, District- Muzaffarpur.
2. Md. Shamsad Son of Late Sabrati Resident of Mohalla- Sikandarpur Man, P.S- Muzaffarpur Town, P.O- Head Muzaffarpur, District- Muzaffarpur.
3. Md. Ashraf @ Md. Ashraf Baba Son of Ramzan Ali Resident of Mohalla- Sikandarpur Man, P.S- Muzaffarpur Town, P.O- Head Muzaffarpur, District- Muzaffarpur.
4. Md. Munna @ Munna Son of Late Ali Mulla Resident of Mohalla- Sikandarpur Man, P.S- Muzaffarpur Town, P.O- Head Muzaffarpur, District- Muzaffarpur.
5. Md. Raju Son of Late Md. Anish Resident of Mohalla- Sikandarpur Man, P.S- Muzaffarpur Town, P.O- Head Muzaffarpur, District- Muzaffarpur.
6. Md. Tajir son of Rahman Khan Resident of Mohalla- Sikandarpur Man, P.S- Muzaffarpur Town, P.O- Head Muzaffarpur, District- Muzaffarpur.
7. Md. Muslim Son of Late Md. Hanif Resident of Mohalla- Sikandarpur Man, P.S- Muzaffarpur Town, P.O- Head Muzaffarpur, District- Muzaffarpur.
8. Md. Nasiruddin Son of Late Md. Yaqoob Resident of Mohalla- Sikandarpur Man, P.S- Muzaffarpur Town, P.O- Head Muzaffarpur, District- Muzaffarpur.
9. Rubi Wife of Md. Bashir Resident of Mohalla- Sikandarpur Man, P.S- Muzaffarpur Town, P.O- Head Muzaffarpur, District- Muzaffarpur.
10. Md. Majju Son of Sobrati Miyan Resident of Mohalla- Sikandarpur Man, P.S- Muzaffarpur Town, P.O- Head Muzaffarpur, District- Muzaffarpur.
11. Bunni Khatoon Wife of Md. Gheyasuddin Resident of Mohalla- Sikandarpur Man, P.S- Muzaffarpur Town, P.O- Head Muzaffarpur, District- Muzaffarpur.
12. Md. Shahzada Son of late Ali Mulla Resident of Mohalla- Sikandarpur Man, P.S- Muzaffarpur Town, P.O- Head Muzaffarpur, District- Muzaffarpur.
13. Md. Shakil @ Shakil Son of late Md. Ekram Resident of Mohalla- Sikandarpur Man, P.S- Muzaffarpur Town, P.O- Head Muzaffarpur, District- Muzaffarpur.
14. K.K @ Md. Sameer Son of late Md. Sayeed Resident of Mohalla- Sikandarpur Man, P.S- Muzaffarpur Town, P.O- Head Muzaffarpur, District-



Muzaffarpur.

15. Praween Khatoon Daughter of Late Md. Anish Resident of Mohalla- Sikandarpur Man, P.S- Muzaffarpur Town, P.O- Head Muzaffarpur, District- Muzaffarpur.
16. Md. Zafeer Son of Late Md. Yaseen Resident of Mohalla- Sikandarpur Man, P.S- Muzaffarpur Town, P.O- Head Muzaffarpur, District- Muzaffarpur.
17. Hajra Khatoon Wife of Late Md. Wakil Resident of Mohalla- Sikandarpur Man, P.S- Muzaffarpur Town, P.O- Head Muzaffarpur, District- Muzaffarpur.
18. Md. Sikandar Khan Son of late Md. Raish Khan Resident of Mohalla- Sikandarpur Man, P.S- Muzaffarpur Town, P.O- Head Muzaffarpur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Land Revenue, Government of Bihar, Patna
3. The Commissioner, Tirhut Division, Muzaffarpur.
4. The District Magistrate, Muzaffarpur, District- Muzaffarpur
5. The Senior Superintendent of Police, Muzaffarpur, District- Muzaffarpur.
6. The Deputy Collector Land Reforms, East Muzaffarpur, District- Muzaffarpur.
7. The Sub-Divisional Officer, East Muzaffarpur, District- Muzaffarpur
8. The Circle Officer, Mushahari, District- Muzaffarpur
9. The Station House Officer (SHO), Muzaffarpur Town Police Station, District-Muzaffarpur.
10. The Muzaffarpur Municipal Corporation, Muzaffarpur
11. The Commissioner, Muzaffarpur Municipal Corporation, Muzaffarpur
12. The Secretary/Chief Executive Officer, Muzaffarpur Municipal Corporation, Muzaffarpur.
13. The Smart City Project Manager, Muzaffarpur Municipal Corporation, Muzaffarpur.



14. Manoj Kumar Chaudhary Son of Late Nageshwar Chaudhary Resident of village and P.O- Janta Deeh, P.S- Gaighat, District- Muzaffarpur.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Md. Anis Akhtar  
For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL JUDGMENT**  
**Date : 19-07-2023**

The present writ petition has been filed seeking the following reliefs:-

“1(A). For issuance of an appropriate writ order or direction quashing the Notice contained in Memo No-523 dated 28-03-2023 (Annexure-4) issued by the Commissioner Muzaffarpur Municipal Corporation, Muzaffarpur whereby show cause has been asked from the petitioners alleging permanent/temporary encroachment upon part of lands recorded to have been in Khatian in the name of Department of Land Revenue, Government of Bihar, situated in ward No- 02, Khata No- 975, Khesra No- 960, Nature-Man, area- 1.8600 Hectare, which is within the jurisdiction of Muzaffarpur Municipal Corporation, Muzaffarpur and required for rejuvenation & beautification of Sikandarpur Man under Smart City Mission Project of Municipal Corporation, Muzaffarpur which is without jurisdiction, authority of law and in complete ignoring the material facts regarding land in



dispute.

[B] For issuance of an appropriate writ order or direction directing the respondents not to interfere in peaceful possession of petitioners & others who are bonafide tenants of respondent No-14 and as per requirement of family and with the consent of land lord have made permanent constructions also are residing there along with their respective families over part of the lands situated in ward No-02, C.S. Khata No- 797, C.S.P No- 2775 area- 2 Bigha, Khata No- 975, Khesra No- 960P area- 0.6400 Hectare which is part of land and area of notice contained in Memo No-523 dated 28-03-2023 Khata No- 975, Khesra No- 960, Nature-Man, area- 1.8600 Hectare, which is within the jurisdiction of Muzaffarpur Municipal Corporation, Muzaffarpur.

[C] For issuance of an appropriate writ order or direction directing the respondents not to proceed further pursuant to Memo No-523 dated 28-03-2023 issued by the Commissioner Muzaffarpur Municipal Corporation, Muzaffarpur till disposal of Title Suit No- 113/2006 which is at present pending in the court of learned Sub-Judge 4th Muzaffarpur East, District- Muzaffarpur.”

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to approach the Municipal Commissioner, Muzaffarpur Municipal Corporation,



Muzaffarpur for the purposes of filing objections / response to the notice dated 28.3.2023, issued to them. Liberty, so sought, is granted.

3. It is needless to state that in case the petitioners file any objections / show cause reply, within a period of four weeks from today, the Municipal Commissioner, Muzaffarpur Municipal Corporation, Muzaffarpur, shall consider the same, in accordance with law and pass a reasoned and a speaking order forthwith.

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

**(Mohit Kumar Shah, J)**

Ajay/-

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| AFR/NAFR          | NAFR      |
| CAV DATE          | NA        |
| Uploading Date    | 25.7.2023 |
| Transmission Date | NA        |

