

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8473 of 2022

Kameshwar Prasad Sah son of Late Srichand Sah, resident of Mohalla Imambari, P.S. Leherisarari, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. Darbhanga Municipal Corporation, through Municipal Commissioner Darbhanga.
3. District Magistrate, Darbhanga.
4. Darbhanga Municipal Commissioner, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mrs.Shama Sinha, Advocate
For the State	:	Mr.Yogendra Pd. Sinha (AAG-7)
		Mr. Rakesh Ambastha, AC to AAG-7
For the D.M.C.	:	Mr. Bindhyachal Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 3 22-08-2023 1. The present writ petition has been filed seeking the following reliefs:-

“1.(i) To issue an appropriate writ/order/direction in the nature of Mandamus to respondents for removing the construction of road and drain from the private land of the petitioner and release the private land of the Petitioner.

(ii) To issue an appropriate writ/order/direction in the nature of Mandamus to respondents that if the private land of the petitioner is required for the public purpose the same be acquired after following the due process of law.”

2. At the outset, the learned counsel for the Municipal Corporation, Darbhanga as also the



learned counsel appearing on behalf of the District Magistrate, Darbhanga have submitted that though the authorities had started construction of the road and drain in question, part whereof was falling over the land of the petitioner, appertaining to Khata No. 25, Khesra No. 33, situated at Ward No. 42, Mohalla-Ismailganj, Mirza Khan, Belwaganj, District-Darbhanga, however, upon protest made by the petitioner they had stopped the construction of the road and drain in question, thus in case the petitioner so desires, he can cover his area.

3. In view of the aforesaid, the learned counsel for the petitioner submits that in case it is the stand of the respondent authorities that they would not object to the petitioner covering his own land, the petitioner has got no grievance left.

4. Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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