

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8738 of 2022

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Bishnu Shanakar Pandey Son of Late Ram Das Pandey Resident of near Shiv Mandir, Ward No.12, Mohalla- Companisarai Rauja, Road No.1, P.S.- Rohtas, District- Rohtas (Sasaram).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar.
2. Principal Secretary, Urban Development and Housing Department, Government of Bihar.
3. District Magistrate-cum-Collector, Rohtas, District- Rohtas.
4. Superintendent of Police, Sasaram.
5. Municipal Commissioner, Sasaram Municipal Corporation, Sasaram, District- Rohtas.
6. Additional Municipal Commissioner, Sasaram Municipal Corporation, Sasaram, District- Rohtas.
7. Executive Officer, Nagar Parishad, Sasaram, District- Rohtas at Sasaram.
8. Circle Officer, Sasaram, District- Rohtas at Sasaram.
9. Krishna Kumar Singh Son of Late Bhole Singh Resident of Village- Darigaon, P.S.- Darigaon, District- Rohtas, at present resident of Mohalla- Company Sarai, Ward No.-2, P.S.- Model Thana, District- Rohtas (Sasaram).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sumeet Kumar Singh, Adv.
For the Respondent/s : Mr.Abbas Haider (SC-6)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-08-2023 The present writ petition has been filed seeking the following reliefs:-

“1.I. That the present writ application is being filled in the nature of Mandamus for the direction to the Executive Officer, Sasaram Municipal Corporation to remove the encroachment in the land situated at Mauja - Lakhrawa, Thana No. 131, M.S. (Municipal Survey) Khata No. 1787, Plot No. (M.S.) 1752, Area-



0.390 Hectare, nature of the land- Anabad Sarwasadharan land; on the ground that the private respondent has constructed the building on the land which is the government land, land is Ananbad Sarwasadharan land/ taal / public land is recorded in cadastral survey, revisional survey and under the Municipal Survey;

II. The present writ application is being filled in the nature of Mandamus to the District Magistrate, Rohtas, Sasaram to the take appropriate actions under Section 133 of Cr.P.C. against the erring officer who has not taken the action despite of giving representation given by the present petitioner and by sending legal notice on different dates (Annexure No. P/7, P/7-A, P/7-B, P/7-C, P/7-D, and P/7-E) in the light of the judgment passed by the Hon'ble Division Bench in C.W.J.C. No. 4309 of 2015 dated 24.11.2016 (Sanjay Jha vs. State of Bihar through the Chief Secretary) reported in the year 2016 (1) PLJR page No. 248; on the ground that the petitioner has given representation but no action being taken in the time period, no action is being taken and construction over the public land has been made over the period of 5 years which shows the high handedness and collusion between the private respondent and the erring officers.”

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, for redressal of his aforesaid grievances. Liberty so sought is granted.

The writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

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