

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9892 of 2023

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1. Ramashish Dubey son of Late Bhangi Dubey. Resident of Mohalla-Laskariganj Ward No.18, Police Station- Sasaram, District-Rohtas.
 2. Rameshwar Dubey @ Jailor Dubey Son of late Hari Nath Dubey, Resident of Mohalla-Laskariganj Ward No.18, Police Station- Sasaram, District-Rohtas.
 3. Parsuram Dubey @ Parsu Dubey Son of Late Hari Nath Dubey, Resident of Mohalla-Laskariganj Ward No.18, Police Station- Sasaram, District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary Urban Development Department, Govt. of Bihar, Patna.
2. The District Magistrate, Municipal Corporation, Rohtas, Sasaram.
3. The Municipal Corporation, Through Municipal Commissioner, Municipal Corporation, Sasaram, District-Rohtas.
4. The Municipal Commissioner, Municipal Corporation, Sasaram, District-Rohtas.
5. Municipal Amin, Municipal Corporation, Sasaram, District-Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh
For the Respondent/s : Mr. Subhash Pd. Singh (Ga3)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 01-12-2023 Heard the parties.

2. This application has been filed on behalf of the petitioners for setting aside the impugned letter/order No. 1580 dated 2.6.2023 issued by the respondent No. 4 by which he has directed the petitioners to remove the encroachment from the land of the State Government.

3. It has been submitted by the learned counsel for the Municipal Corporation, Sasaram that the impugned order



dated 2.6.2023 has been recalled by the Municipal Commissioner, Sasaram realizing his mistake. Because of the mistake of the Municipal Commissioner, Sasaram, the petitioner had earlier moved this Court and the following order was passed on 28.11.2022:-

Though the present writ petition has been filed for quashing the notice dated 03.02.2022, issued by the Municipal Commissioner, Municipal Corporation, Sasaram, District Rohtas, but the learned counsel for the petitioners seeks liberty on behalf of the petitioners to file appropriate objection/reply to the said notice dated 03.02.2022, however, seeks some protection till a final decision is taken by the Municipal Commissioner, Municipal Corporation, Sasaram, District- Rohtas, i.e. respondent no 4.

Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose off the present writ petition with liberty to the petitioners to file their objection/ reply within a period of four weeks from today, whereupon appropriate decision shall be taken by the Municipal Commissioner, Municipal Corporation, Sasaram, District Rohtas, in accordance with law, by passing a reasoned and a speaking order and till then, status quo existing as on today, qua the land/house of the petitioners in question, shall be maintained.

4. Thereafter, the petitioner approached the Municipal Commissioner who has passed the order dated 2.6.2023 defying the directions of this Court and now he has recalled the impugned order.

5. Considering the difficulty faced by the petitioner and considering the fact that the petitioner has been made to approach this Court twice and particularly the present application has been filed because of the illegal and wrong order



of the Municipal Commissioner, Sasaram against the directions of this Court, Rs. 10,000/- cost is being imposed on the Municipal Commissioner, Sasaram. The cost shall be paid to the petitioners within two weeks.

6. With the aforesaid directions, this application is disposed of.

(Sandeep Kumar, J)

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