

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1905 of 2022

In
Civil Writ Jurisdiction Case No.13683 of 2016

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Pascal Peter Osta son of Late Francis Peter resident of Mohalla-Charitian Colony, Kurji, P.O.-Sadaquat Ashram, P.S.-Kurji, District-Patna-10, at present President of Infant Jesus Educational Society and Director of the Infant Jesus School, Tehrighat, Patna City, sun and managed by the Infant Jesus Educational Society, Patna-1.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. Anand Kishor, the Secretary, Urban Development Corporation, Govt. of Bihar, Patna.
3. Dr. Chandra Shekhar, The District Magistrate, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Dr. Mahtab Ahmad, Advocate
For the Opposite Party/s :	Mr. Yogendra Prasad Sinha- AAG-7
	Mr. Rajeev Kumar Sinha, AC to AAG-7

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

- 5 08-11-2023 The present M.J.C is filed for non-compliance of the order dated 19.06.2017 passed in C.W.J.C No 13683 of 2016. Subject matter of a land is stated to be a private land and not public land so as to undertake encroachment proceedings. In respect of private land is concerned, or in respect of any encroachment on private land and any right of the person is affected in such an event the remedy is only in filing civil suit and not filing writ petition. In other words, this Court cannot



issue a direction under Article 226 to a private party to remove encroachment.

Accordingly, the present M.J.C. Contempt Petition stands dropped reserving liberty to the petitioner to invoke appropriate remedy, if encroachment on the private land still existing.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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