

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20502 of 2021

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Mohammad Jalaluddin Son of Iftakhar Hussain Resident of Salapatganj,
Gudri Bazar, Chapra, P.S.- Bhagwan Bazar, District- Saran at Chhapra.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. District Magistrate, Saran.
4. Superintendent of Police, Saran.
5. Chhapra Municipal Corporation, Saran through Municipal Commissioner, Chhapra Municipal Corporation, Saran.
6. Municipal Commissioner, Chhapra Municipal Corporation, Chhapra, Saran.
7. Deputy Municipal Commissioner, Chhapra Municipal Corporation, Chhapra, Saran.
8. Station House Officer, Bhagwan Bazar Police Station, Chhapra, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar Singh, Advocate
For the Respondent/s	:	Mr.Kinkar Kumar (SC 9)
	:	Mr. Yogesh Kumar, AC to SC 9
For Municipal Corporation:	:	Mr. Indu Bhushan, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 02-03-2023 The contention of the petitioner in the present case is that the petitioner and others had filed a suit bearing Title Suit no. 117 of 1976, however, the same was dismissed by the learned court of 2nd Sub-Judge, Chhapra, against which the petitioner and others had filed a title appeal bearing Title Appeal no. 90 of 1991, which was decreed in favour of the petitioner and others, by a judgment dated 03rd June, 1993, passed by the learned IVth Additional District Judge, Saran. It is



also submitted that the judgment and decree dated 09.09.1991 and 23.09.1991 respectively, passed by the learned court of 2nd Sub-Judge, Chhapra in Title Suit no. 117 of 1976 was set aside by the said judgment dated 03.06.1993, and the right, title and interest as also possession of the plaintiffs of the said suit over the suit property was decreed in their favour i.e. in favour of the petitioner and others. It has also been pointed out that the Second Appeal, filed against the aforesaid judgment dated 03.06.1993, has stood dismissed by an order dated 15.03.2000, passed in Second Appeal no. 328 of 1993, by a co-ordinate Bench of this Court. The learned counsel for the petitioner, in view of the aforesaid facts and circumstances of the case, has submitted that since the right, title and interest of the petitioner and others in the suit property has been decreed in favour of the petitioner and others by the aforesaid judgment dated 03.06.1993, the respondent- Nagar Nigam, Chhapra cannot interfere with the peaceful possession of the petitioner and others over the suit property.

Per contra, the learned counsel for the respondent- Nagar Nigam, Chhapra submits that in case, it is found that the petitioner has encroached any portion of the public land beyond the area and precinct of the suit property in question, the



authorities of the Nagar Nigam, Chhapra be permitted to take appropriate action for removal of the encroachment in question, in accordance with law. Liberty so sought, is granted.

The writ petition stands disposed off, however, taking note of the contention of the respondent- Nagar Nigam, Chhapra to the effect that appropriate action would be taken only if any encroachment exists over the public land, as aforesaid.

(Mohit Kumar Shah, J)

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