

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.244 of 2019**

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Ajay Singh @ Ajay Prasad Singh

... .. Petitioner/s

Versus

The State Of Bihar and Ors

... .. Respondent/s

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**Appearance :**

|                      |   |                                 |
|----------------------|---|---------------------------------|
| For the Petitioner/s | : | Mr. Manoj Kumar No.-1- Advocate |
| For the State        | : | Mr. Yogendra Pd. Sinha- AAG-7   |
| For Nagar Parishad   | : | Mr. Avinash Kumar- Advocate     |

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

4      12-05-2023                      Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Nagar Parishad, Lakhisarai.

The learned counsel for the petitioner, after some argument, seeks permission to withdraw the present writ application with a liberty to file an appeal against the order dated 28.05.2018 in Misc. Case No.09 of 2016-17 passed by the Executive Officer, Nagar Parishad, Lakhisarai whereby the petitioner has been directed to move the encroachment on a private road after declaring the same as Lok Marg.

Permission is accorded.

Accordingly, instant writ application is dismissed as withdrawn with the liberty aforesaid.

However, in the event, if any appeal is filed by



10.06.2023 and issue of limitation is raised, the learned Municipal Tribunal shall take into consideration the fact that petitioner was availing his remedy before this Court from 03.01.2019, till date and also that the tribunal was not functional in the interregnum.

Till the first date of hearing before the Tribunal, the order of the Executive Officer, Nagar Parishad, Lakhisarai shall remain stayed and thereafter, it will be completely in the discretion of the learned Municipal Tribunal either to continue or not to continue with the present stay order.

**(Satyavrat Verma, J)**

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