

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13545 of 2023

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Pushplata Kumari D/o Surya Kumar Paswan , W/o Pankaj Kumar Paswan,
Permanent R/o Mohalla-Topkhana Bazar, Katghar, Monghyr, P.S. Kotwali,
District-Munger, and Presently R/o Mohalla-Santnagar, P.S.-Barari, District-
Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Old Secretariat, Bailey Road, Patna.
2. The Collector-Cum-District Magistrate, Bhagalpur.
3. The Municipal Commissioner, Bhagalpur.
4. The Nagar Prabandhak, Bhagalpur Municipal Corporation, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ravish Mishra, Advocate
For respondent no.3	:	Mr. Manish Kumar, Advocate
For the State	:	Mr. Raj Kishore Roy (Gp 18)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 11-12-2023

Heard Mr. Ravish Mishra, learned counsel
appearing on behalf of the petitioner; Mr. Manish Kumar,
learned counsel appearing on behalf of the respondent no. 3 and
Mr. Raj Kishore Roy, learned GP-18 for the State.

2. Petitioners are aggrieved by notice date
04.09.2023 (Annexure '3'), which relates to removal of the
encroachment of certain structure standing on plot nos.192 and
193.

3. Learned counsel appearing on behalf of the
Municipal Corporation submitted that the notice has been issued



by the Municipal Corporation for removal of the structure on those plots.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are not concerned with Plot Nos.192 and 193 rather their house is still existing on Plot No.190.

5. On perusal of the revenue record, it appears that the said land is recorded as the public road, which is evident from Register -I of the revenue record. The District Magistrate, Bhagalpur is directed to call for all the records relating to Plot Nos. 192 and 193 and verify the same from the original records as to whether the land appertaining to plot nos. 192 and 193 are public road and after notification, they became part of municipal area.

6. It is well settled that the public land recorded in the cadestral survey as public road/lane shall remain as public road/lane for the convenience of the people of the locality for ever.

7. No right can be created to the petitioners on the basis of notices issued to them, which have been impugned in the present writ petition by the petitioners. The Circle Officer, who is present in the Court, in future, must be careful/cautious



in issuing such frivolous notices to the adjoining dwellers of the area, particularly in the present case, in spite of knowing the fact that lands pertaining to *Khesra* No.192 and 193 are recorded as municipality land and by issuing notices under influence he has tried to favour the petitioners, when the petitioners have admitted before this Court that they are the rightful owner of plot no.190.

8. The Circle Officer and the Amin must ensure to be present before the Collector, Bhagalpur along with the records so that the Collector can submit his findings before the Municipal Commissioner.

9. With the above observation/direction, the present writ petition is disposed of.

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	13.12.2023
Transmission Date	N/A

