

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13587 of 2023

1. Pramod Kumar @ Pramod Mandal S/o Raj Kishor Mandal, Permanent R/O Village-Raghopur, P.O. Haridaspur, P.S. Nathnagar, District-Bhagalpur, and presently R/O Mohalla-Santnagar, P.S. Barari, District-Bhagalpur.
2. Rani Devi, W/O Rajesh Poddar, R/o Mohalla-Santnagar, P.S. Barari, District-Bhagalpur.
3. Rupa Devi, W/o Vipin Kumar Sah, permanent R/O Village-Kolwara, P.S. Parbatta, District-Khagaria 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

Appearance :

For the Petitioner/s	:	Mr.Ravish Mishra, Advocate
For the Respondent/s	:	Mr.Rishi Raj Sinha (SC 19)
		Mr.Manoj Kumar Sinha, AC to SC 19
For the Res. Nos. 3 & 4	:	Mr.Manish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 08-12-2023

In continuation of Order No.4 dated 23.11.2023 :

Heard Mr. Ravish Mishra, learned counsel appearing on behalf of the petitioners; Mr Rishi Raj Sinha (SC 19) with Mr. Manoj Kumar Sinha (AC to SC 19), learned counsels for the State and Mr. Manish Kumar, learned counsel for the respondent nos. 3 and 4.

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. The Circle Officer, Jagdishpur Circle (Bhagalpur), who is present in the Court, has shown the records relating to the land recorded in the *Khatiyar* as the municipality land.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

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

(Purnendu Singh, J)

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