

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8910 of 2022

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Smt. Sudha Devi Wife of Shri Kapil Dev Prasad Resident of Sudha Kunj,
Mohalla- Shankar Sonar Lane, Rajendra Path, New Godown, P.S.- Kotwali,
District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Collector, Gaya.
2. The Superintendent of Police Gaya.
3. The Municipal Commissioner Gaya Nagar Nigam, Gaya.
4. The Executive Officer Gaya Nagar Nigam, Gaya.
5. The Junior Engineer Gaya Nagar Nigam, Gaya.
6. The S.H.O., Kotwali Police Station District- Gaya.
7. Munna Sao Son of Late Beni Sao and Smt. Basanti Tai Resident of Mohalla-
Shankar Sonar, Rajendra Path, New Godown, P.S.- Kotwali, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Sinha, Advocate
For the State	:	Mr. Abbas Haider (SC-6)
For the Gaya Municipal Corp.	:	Mr. Ravindra Kumar Priyadarshi, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 08-10-2024 Heard the parties.

2. The present writ petition has been preferred
for the grant of following reliefs:-

*That the present writ application is being filed
for issuance an appropriate writ, order or
direction, particularly in the nature of writ of
Mandamus, directing and commanding the
respondent authorities to demark the illegal
encroachment and construction made by
respondent no. 7 Munna Sao on the common
govt. lane in Shankar Sonar Lane, Rajendra*



Path, New Godown, under Gaya Municipal Corporation, Gaya in view of the letter/memo no. 112/अनि०/सा० dated 09 April 2021 and if any found encroachment of the govt. lane, further direct to immediately remove the encroachment made by private respondent no. 7 in contravention of section 317 of Bihar Municipal Act, 2007; And/Or pass such other order or orders as Your Lordships may deem lit and proper in the facts and circumstances of the case.

3. It is the case of the petitioner that the respondent no.7 has encroached certain land but keeping its eye shut, the Gaya Municipal Corporation instead enquired into the land/deviation of the petitioner.

4. Mr. Ravindra Kumar Priyadarshi, representing the Gaya Municipal Corporation submits that he has filed counter affidavit which shows that the petitioner is also one of the person who has made deviation and is liable for action.

5. At this stage, learned counsel for the petitioner submits that he will be pleased if both the parties are noticed by Gaya Municipal Corporation, a re-enquiry takes place and in their presence, a decision is taken.

6. Learned counsel for the Gaya Municipal Corporation has no objection to it. The petitioner shall be



submitting a proper application along with requisite fee before the concerned respondent, after putting the parties on notice and inspection to take place in their presence, their/their representative's signature be taken and thereafter, after hearing the parties, the respondent Gaya Municipal Corporation shall pass an appropriate order.

7. The writ petition stands disposed of.

(Rajiv Roy, J)

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