

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8317 of 2024**

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Anil Kumar Son of Late Dasrath Mahto, Resident of Village- Manpur Pehari  
Koiri Tola, Police Station- Buniyadganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Urban Development and Town Planning, Government of Bihar, Patna.
2. The Municipal Commissioner, Gaya Municipal Corporation, Gaya.
3. Town Commissioner, Gaya Municipal Corporation, Gaya.
4. The Executive Officer, Gaya Municipal Corporation, Gaya.
5. The District Magistrate, Gaya.
6. The Circle Officer, Manpur Anchal, District- Gaya.
7. Ramdeo Prasad, Son of Late Bhikhar Mahto, Resident of Village- Manpur, Pehari, Koiri Tola, Police Station- Buniyadganj, District- Gaya.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Arun Kumar, Advocate    |
| For the State        | : | Mr.Government Pleader (27) |
| For Resp. No.7       | : | Mr.Dinu Kumar, Advocate    |
|                      |   | Ms.Ritika Rani, Advocate   |

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      18-07-2024                      1. The present writ petition has been filed seeking the following relief(s):-

*“1(i) For issuance of a writ in the nature of mandamus commanding and directing upon the Respondents concerned specially Respondent no. 2 not to disturb the petitioner from Municipal Plot No. 3844 in pretext of encroachment despite the fact that ancestors of petitioner's name has been incorporated in Gaya Municipal Survey Khesra prepared in year 1914-15 showing possession over the*



*lands in question and name of petitioner's elder brother who was Karta of the family is also mentioned in Demand and Collection Register of Gaya Municipal Corporation since year 1977-78 and petitioner's family is paying rent to the Corporation since 1959-60 to till 2021-22 and as such complex question of Title is involved in the case which can not be decided in Summary proceeding of Bihar public land Encroachment Act.*

*(ii) For a direction upon the Respondents No. 2 not to take any coercive action against the petitioner till final adjudication of Title Suit no. 363 of 2022 pending in the Court of learned Civil Judge, Senior Division no. 1, Gaya in which Commissioner, Municipal Corporation, Gaya is made defendants which is still subjudice and intentionally Municipal Corporation is not appearing in the case.*

*(iii) For restraining the Respondent No. 2 not to forcefully oust the petitioner from dwelling house in which petitioner is residing along with family members in pretext of encroachment over municipal Corporation land as despite having replied by petitioner on notice to Respondent no. 2 till date no final decision has been taken but time to time officials of municipal Corporation used to come at petitioner's house and ask to left the house otherwise the same will be demolished as the*



*same has been constructed encroach the Corporation land.”*

2. At the outset, the learned counsel for the petitioner submits that pursuant to the notice dated 07.06.2023, issued by the Municipal Commissioner, Municipal Corporation, Gaya, the petitioner has already submitted his objection, hence he be directed to dispose off the same, within a stipulated time frame and till then some protection be granted.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Municipal Commissioner, Municipal Corporation, Gaya to dispose off the encroachment proceeding, pending qua the petitioner herein, by passing the final order, within a period of four weeks from today and till then no coercive action shall be taken against the petitioner.

4. The writ petition stands disposed off on the aforesaid terms.

**(Mohit Kumar Shah, J)**

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