

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1496 of 2018

Prashant Kumar Son of late Basisth Narayan Singh, Resident of Rambagh Road, Ward No. 38, P.S. Mithanpura, District Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the District Magistrate/Collector, Muzaffarpur.
2. The District Magistrate/Collector, Muzaffarpur.
3. Sub Divisional Magistrate, East Muzaffarpur.
4. Commissioner of Municipal Corporation, Muzaffarpur.
5. Officer In-Charge of Mithanpura, P.S. Muzaffarpur.
6. Circle Officer, Block Musahhari , Muzaffarpur.
7. Munmun Srivastava S/o- Rambilas Srivastava Resident of Rambagh Road, Ward No. 38, P.S. Mithanpura, District Muzaffarpur, Bihar.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Gyanendra Kumar Shukla, Adv.
For the Respondent/s : Mr. Raj Kishore Roy- GP-18

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 04-09-2024 The present writ petition has been filed seeking the following reliefs:-

"1. (i) To issue a writ of Mandamus directing the Respondent Authorities to remove the encroachment made over Khata No.603, Khesra No.335, admeasuring 03 feet wide and 90 feet long, which is a Municipal land, running from south to north touching the Rambagh Road towards west end, over which encroachment has been made by the private Respondent No.7, Munmun Srivastava, son of Late Ramvilas Prasad Srivastava.



(ii) To issue further necessary direction to the concerned authority to demolish the structure standing over the municipal land made by the private Respondent inspite of the fact that there is stay regarding making any construction over the said land. Thus after demolishing the illegal construction the municipal road may be constructed over the said land."

2. At the outset, the learned counsel for the respondent-Municipal Corporation, Muzaffarpur submits that encroachment proceedings, vide Encroachment Case No.16 of 2017 were initiated by the Municipal Commissioner, Municipal Corporation, Muzaffarpur and thereafter, measurement report was submitted on 22.05.2018, however, a fresh report was called for in view of the fact that it was found expedient to measure the plot of the petitioner as well, however, the petitioner did not appear, hence the proceedings have remained pending, nonetheless, if the petitioner cooperates, the final order would definitely be passed in the aforesaid Encroachment Case No.16 of 2017 and in case any encroachment has been made by the respondent no.7 over the municipal road, the same would also be removed by taking recourse to the due process of law.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the petitioner to appear



before the Municipal Commissioner, Municipal Corporation, Muzaffarpur on 24.09.2024 at 10:30 A.M and file his petition/representation, whereupon the Municipal Commissioner, Municipal Corporation, Muzaffarpur shall consider the representation/documents to be submitted by the petitioner and he shall get the measurement/demarcation of the land in question conducted, whereafter he shall pass the final order in the aforesaid Encroachment Case No. 16 of 2017, within a period of six weeks.

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

(Mohit Kumar Shah, J)

Kanchan,suruchi/-

U			
---	--	--	--

