

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10728 of 2024

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Mithlesh Kumar Mishra S/o-Late Dukhharan Mishra R/o-Village- Bedulia
Ward No.-01 P.S.-Khodabandpur, District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Patna
2. The District Magistrate Begusarai.
3. The Sub-Divisional Officer, Manjhaul, Begusarai.
4. The Block Development Officer, Khodawandpur, Begusarai.
5. The Circle Officer, Khodawandpur, Begusarai.
6. The in-Charge Medical Officer, Community Health Centre, Khodawandpur, Begusarai.
7. The Civil Surgeon, Cum Chief Medical Officer Community Health Centre, Khodawandpur, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Adv.
For the Respondent/s : Mr. Kr. Manish, SC-5

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL JUDGMENT

Date : 22-07-2024

Heard learned counsel for the parties.

2. In this writ application, the petitioner has prayed
for following relief(s):-

“1(a) For issuance of appropriate writ/writs, direction/directions, directing and commanding the respondents authorities for considering representation of the petitioner dated 05.07.2024 pending before the Respondent No.02 the District Magistrate Begusarai, wherein the petitioner made a humble request for urgent intervention to stop the illegal construction of



boundary wall by encroachment of his ancestral land thereby blocking the entrance gate of the petitioner's dwelling house and further for removal of the encroached area of the entrance of the petitioner's dwelling house.

(b) For the issuance of direction to the concerned Respondent authorities to desist from any illegal construction until the land is demarcated after measurement considering title and ownership regarding the land in question upon which the respondent No.7, the Civil Surgeon, Community Health Centre, Khodabandpur, Begusarai, Despite having no legal authority, title, or ownership rights over the aforementioned land, the Civil Surgeon has been forcefully and illegally attempting to encroach upon it by extending the boundary of the hospital premises and hereby blocking the entrance gate of the dwelling house of the petitioner. This misuse of authority and abuse of position and power for personal gain is not only unlawful but also an egregious violation of my property rights. And it is also violated the fundamental rights guaranteed to petitioner under Articles 14, Article 16 and Article 21 of the Constitution of India.

(c) For issuance of direction to the concerned authorities to maintain the status quo until the representation of the petitioner is decided by the authorities concern."

3. Learned counsel for the petitioner submits that the petitioner's ancestral land is located in Mauza



Khodabandpur in the district of Begusarai which has been in his family for generations and is an essential part of their heritage and livelihood. The petitioner's house is also situated in the aforesaid land.

4. Learned counsel for the petitioner further submits that the Civil Surgeon is forcefully and illegally encroaching upon the aforesaid land by extending the boundary of the hospital premises, blocking the entrance gate of the dwelling house of the petitioner.

5. Finally, learned counsel for the petitioner submits that the petitioner has filed a representation dated 05.07.2024 before the District Magistrate, Begusarai (Respondent No.2), requesting therein for proper measurement of the land and then only the boundary wall should be constructed but, the same is pending consideration before him and has not yet been disposed of and prays for expeditious disposal of the same.

6. Per contra, the learned counsel for the respondent- State submits that in case the aforesaid representation dated 05.07.2024 is still pending, the same shall be disposed off, within a stipulated time frame, as is fixed by this Hon'ble Court.



7. Having regard to the facts and circumstances of the case, this Court deems it fit and proper to direct the District Magistrate, Begusarai (Respondent No.2) to dispose off the aforesaid representation, in case the same has not yet been disposed off, by passing a final order in accordance with law and after hearing the affected parties, within a period of four weeks of receipt/production of a copy of this order.

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

(Rudra Prakash Mishra, J)

rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.07.2024
Transmission Date	

