

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15971 of 2023

Manoj Kishore Rukhaiyar son of Manindra Kishore Rukhaiyar, resident of Swarajpuri Road Behind Anand Cinema Hall, P.S. Civil Lines, District Gaya, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Patna.
3. The Circle Officer, Phulwari Shariff, Patna.
4. Devendra Pathak, s/o Gunanand Pathak, R/o East Mahesh Nagar, Post-Keshari Nagar, P.S.-Patliputra, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Ambastha, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 28-08-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1(a) That this application is being filed by the petitioner for issuance of a writ in the nature of writ of certiorari for quashing the notice dated 16-03-2022 and subsequent notices issued on 05-09-2022, by the Circle Officer, Phulwarishariff (Respondent no. -3) directing the petitioner to demolish his boundary wall which is alleged to be an encroachment on the society's road.

(b) That, the petitioner further seeks issuance of a writ of Mandamus commanding the respondents to reconstruct the boundary wall of his plot no. 13 which has been illegally



demolished by the order of respondent no. 3 without any notice to the petitioner or any order passed in any complaint case.”

2. At the outset, the learned counsel for the respondent-State submits that the boundary wall of the premises of the petitioner, which has been demolished illegally, shall definitely be constructed within a period of 10 days from today, however, it be indicated that the same would not create any right in favor of the petitioner, to the prejudice of the respondent-State and the present order shall not be treated to be a precedent.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose off the present writ petition taking note of the undertaking furnished by the learned counsel for the respondent-State to the effect that the boundary wall of the petitioner shall be constructed, within a period of 10 days from today, however, it is indicated that the present order is being passed in the peculiar facts and circumstances of the present case and would neither be treated as a precedent in any other case nor shall confer any legal right in favor of the petitioner or for that matter against the respondent-State.

4. It is needless to state that the parties shall be free to invoke their legal rights by taking recourse to the due process of



law for redressal of their subsisting grievances, if any.

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

(Mohit Kumar Shah, J)

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