

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.957 of 2023

Md. Alim Son of Md. Talim Resident of Mohalla- Masjid Chowk, Ward No.- 10, Daftari Tola, P.S. and District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Madhepura.
2. The Collector-cum-District Magistrate, District- Madhepura.
3. The Executive Officer, Madhepura Nagar Parishad, Madhepura.
4. The Special Officer, Madhepura Nagar Parishad, Madhepura.
5. The Construction Engineer, Madhepura Nagar Parishad, Madhepura.
6. The Amin, Madhepura Nagar Parishad, Madhepura.
7. The Headmaster, Urdu Middle School, Masjid Chowk, P.S. and District- Madhepura.
8. Md. Mohibur Rahman, Son of Late Abdul Ghani Resident of Mohalla- Masjid Chowk, Ward No.- 10, P.S. and District- Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s	: Mr.Nafisuzzoha, Adv.
For the Respondent/s	: Mr.Yogendra Prasad Sinha, AAG-7 Mr. Rajeev Kumar Sinha, AC to AAG-7
For the Nagar Parishad, Madhepura	: Mr. Gyanendra Kumar Shukla, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 08-10-2024 Though the present writ petition has been filed for removing encroachment from public land, appertaining to Plot No. 242, 243 and 244, Khata No. 79, situated at village Madhepura, Ward No. 10, Thana No. 61, Circle Madhepura, District-Madhepura, however, it is submitted by the learned counsel appearing for the Respondent No. 3 i.e. the Executive Officer, Madhepura Nagar Parishad, Madhepura that the Sub-Divisional Officer, Madhepura, has already been requested to



provide police force for the purposes of removal of encroachment in question, by writing a letter dated 13.9.2024, in view of rejection of the injunction petition, filed by the private Respondents in the title suit filed by them bearing Title Suit No. 55 of 2001, which is pending adjudication before the learned Court of Munsif, Madhepura.

2. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the District Magistrate, Madhepura, as also the Executive Officer, Madhepura Nagar Parishad, Madhepura, to ensure that the encroachment made over the public land in question is removed forthwith, by taking recourse to the due process of law and in case there is no other legal impediment.

3. Accordingly, the present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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