

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1518 of 2022

Arising Out of PS. Case No.- Year-0 Thana- District- Bhojpur

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AMAR KUMAR @ AMAR KUMAR GUPTA Son of Late Madan Kumar
Rahi R/o Mohalla Mahajan Toli No. 2 Area, P.S- Ara Town Dist- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Land and Revenue Deprt.
Govt. of Bihar, Patna Bihar
2. The District Magistrate Cum Collector, Bhojpur at Arah Bihar
3. The Sub Divisional Officer Sadar Arah, Dist- Bhojpur Bihar
4. The Chief Executive Officer Municipal Corporation Arah, Dist- Bhojpur
Bihar
5. Deilip Pandey Son of Late Rama Kant Pandey R/o Mohalla Mahajan Toli
no. 2 Ara, P.S- Arah Town, Dist- Bhojpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Aditya Nath Pandey
For the Respondent/s	:	Mr.Raj Kishore Roy
For the Ara Municipal Corporation	:	Mr. Bishwa Bibhuti Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 16-06-2025 Heard the learned counsel for the petitioner, learned

counsel for the State and learned counsel for the Ara Municipal

Corporation.

2. This application has been filed on behalf of the

petitioner for setting aside the order dated 20.10.2022 passed by

the SDM, Sadar, Ara in Encroachment Case No. 5 of 2022 and

the petitioner has also prayed for restraining the respondent

authorities from taking any coercive step to remove the

encroachment over the land in question.



3. Learned counsel for the Municipal Corporation, Ara has submitted that the road in question is a common passage being used by the public residing there and it is the younger brother of the petitioner who has encroached the same and for that, a proceeding under Section 133 Cr.P.C. has been initiated.

4. In view of the above, the petitioner is well advised to file his show-cause before the SDM, Sadar, Ara in the proceeding under Section 133 Cr.P.C. and the SDM, Sadar, Ara will decide the matter after considering the show-cause of the petitioner and he will also consider the submission on behalf of the Municipal Corporation and the private respondents.

5. With the aforesaid direction, this application is dismissed.

(Sandeep Kumar, J)

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