

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19315 of 2024

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Md Elyash Son of Md. Alam Resident of Village- Donama Manoharpatti,
P.S.- Sakra, District Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Home, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Minority Welfare Department, Government of Bihar, Patna.
3. The Joint Secretary-cum-Director, Minority Welfare Department, Government of Bihar, Patna.
4. The District Magistrate, Muzaffarpur.
5. The Sub-Divisional Magistrate, Muzaffarpur East, Muzaffarpur.
6. The Block Development Officer, Block- Sakra, District- Muzaffarpur.
7. The Circle Officer, Circle- Sakra, District- Muzaffarpur.
8. The Superintendent of Police, Muzaffarpur.
9. The Sub-Divisional Police Officer, Muzaffarpur East, District- Muzaffarpur.
10. The Officer-in-charge, Police Station- Sakra, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anirudh Kumar Sinha, Adv
For the Respondent/s : AC to GA-9

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-01-2025 1. Heard learned counsel for the petitioner and
learned AC to GA-9.

2. The learned counsel for the petitioner submits that
the instant writ application has been filed for a direction upon
the Circle Officer, Sakra, District- Muzaffarpur, to remove the
encroachment over the land of graveyard (Kabristan) pertaining
to Thana No. 947, Khata No. 281, Chak No. 114, Area 1 acre 13
decimal, which is recorded as Kabristan in the Circle Office



record.

3. It is next submitted that from perusal of report dated 11-2-2013 (Annexure-2) of the Anchal Amin, it would manifest that the same records that some part of the land has been encroached by the villagers. It is submitted that since no action was taken on the report dated 11-2-2013, as such, the petitioner again approached the authority for constructing the boundary wall of the Kabristan after removing the encroachment, based on which work order dated 8-2-2020 (Annexure-3) was issued for constructing the boundary, but the boundary wall was not completed, accordingly the petitioner along with villagers again submitted an application for removing the encroachment and to construct a boundary wall, in pursuance whereof, measurement of the land was done and encroachment was found over the land of Kabristan, as would manifest from the the report dated 2-3-2022 (Annexure-4) of the Anchal Amin submitted to the Circle Officer.

4. Learned counsel submits that it would not be out of place to submit here that earlier the Circle Officer, Sakra vide his Letter No. 82 dated 31-1-2021 had requested the S.D.M., Muzaffarpur East, to provide force for removing the encroachment over the Kabristan land on 9-2-2022, accordingly



S.D.M, vide his Memo No. 358 dated 1-2-2022 (Annexure-5) deputed the officials for removing the encroachment, but still the encroachment has not been removed, hence the petitioner and the villagers represented before the District Magistrate, Muzaffarpur, vide their representation dated 12-7-2024 (Annexure- 6 series) for removing the encroachment, but still not action has been taken.

5. The learned counsel for the petitioner submits that the petitioner would be satisfied in the event if the writ application is disposed of with a direction to the District Magistrate, Muzaffarpur, to look into the matter and direct the authority competent for taking action in accordance with law on the representation of the petitioner dated 12-7-2024 (Annexure- 6 series).

6. The learned counsel appearing on behalf of the State does not dispute the said submission of the learned counsel appearing on behalf of the petitioner, but then submits that petitioner be directed to file a fresh representation before the District Magistrate, Muzaffarpur raising the grievance as raised in the instant writ application, on which the learned counsel appearing on behalf of the petitioner submits that petitioner will again file a fresh representation before the District Magistrate,



Muzaffarpur on or before 21-1-2025.

7. After hearing the learned counsel for the parties, the writ application is disposed of with a direction to the petitioner to file a representation before the District Magistrate, Muzaffarpur, afresh on or before 21-1-2025, in the event if any representation is filed on behalf of the petitioner on or before 21-1-2025, in that event, the District Magistrate, Muzaffarpur shall consider and pass appropriate orders to the competent authority for taking action in accordance with law within a period of three months thereafter.

(Satyavrat Verma, J)

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