

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1608 of 2025

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Urmila Pathak Wife of Late Parasnath Pathak, Res of Moh- House No.412,
Gali No.23, Nehru Nagar, Patliputra, P.S.- Patliputra, Patna-13.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner, Patna Pramandal, Patna.
2. The Collector-cum-District Magistrate, Patna.
3. The District Public Grievance Redressal Officer, Patna.
4. The Sub-Divisional Officer, Sadar Patna.
5. The Executive Officer, Patna Municipal Corporation, Patliputra Circle, Patna.
6. The Superintendent of Police, Patna.
7. The Station House Officer, Patliputra Police Station, Patna.
8. Nand Kishore Sharma, Social Worker, House No.412-A, Gali No.23, Nehru Nagar, Patliputra, P.S.- Patliputra, Patna-13.
9. Ravindra Thakur Son of Late Shakaldeo Thakur, House No.330, Gali No.23, Nehru Nagar, Patliputra, P.S. Patliputra, Patna-13.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sharad Kumar Verma, Adv.
For the Respondent/s	:	Mr. Addl. Advocate General (09)
For the State	:	Mr. Prem Ranjan Kumar (AC to AAG 9)
For the PMC	:	Mr. Sanjay Praksh Verma, Adv.

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CORAM: HONOURABLE MR. JUSTICE VIKASH KUMAR
ORAL ORDER

2 06-07-2026 Heard Mr. Sharad Kumar Verma, Advocate for
petitioner, Mr. Sanjay Prakash Verma, Advocate for PMC and
Mr. Prem Ranjan Kumar, AC to AAG- IX for the State.

2. The petitioner in the present writ application has
prayed for the issuance of an appropriate writ, order or direction,
particularly, in the nature of writ of certiorari for quashing the
notice vide the Letter No. 2132 dated 09.12.2024 issued under



signature of the Executive Officer, Patna Municipal Corporation, Patliputra Circle, Patna, on the basis of complaint no. 428110123112408344 submitted by the respondent no. 8, whereby the petitioner's son Gajendra Kumar Pathak and three others were directed to remove encroachment from over the Gali No. 23. It is humbly submitted that the aforesaid Notice has been served upon the petitioner for the first time without calling for the show cause/explanation, and the said notice was not containing measurement report, if any, done in absence of the petitioner. For holding further enquiry with respect encroachment made at southern end of Gali No. 23 constructing houses, boundary wall and iron gate and grill by private respondent nos. 8 and 9, and thereafter necessary action for removal of the same be taken.

3. The petitioner is aggrieved by the notice dated 09.12.2024, issued by respondent no. 3 whereby her son has been directed to remove the encroachment from over gali no. 23, Nehru Nagar, Patna on the ground that it does not contain the measurement report, if any, undertaken in absence of petitioner. The prayer of the petitioner was vehemently opposed by the counsel appearing on behalf of PMC.

4. On bare perusal of show-cause notice dated



09.12.2024, which forms Annexure -P/1 of writ application, it appears that the petitioner has been show caused merely on the complaint made by the private parties. Before issuance of the show cause notice, it appears that even the complaint was not enquired and exercise of any measurement has been undertaken.

5. Be that as it may, this Court finds that if the petitioner, by way of Annexure P/2, has submitted her reply, by registered post on 27.12.2024 itself, praying therein for measurement of entire gali no. 23 in her presence and at her cost so as to substantiate that no encroachment has been made either by her or by her son.

6. Accordingly, the show-cause notice is set aside and this Court directs the respondent PMC to take steps for measurement/ re-measurement of gali no. 23 in presence of all concerned parties on appointed date i.e. on 25.07.2026 and is at liberty to take any further steps, if required, in accordance with law.

7. The writ petition is allowed.

(Vikash Kumar, J)

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