

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13758 of 2022

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Pushpalata Dubey wife of Chandra Moli Upadhyay, Resident of Village -
Hatiya Road, Tilkamanjhi, Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Govt. of Bihar.
2. The Municipal Commissioner, Municipal Corporation, Bhagalpur.
3. The Circle Officer, Circle Office, Jagdishpur, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Choudhary, Advocate
For the State	:	Mr. Yogendra Pd. Sinha, AAG-7
	:	Mr. Shankar Kumar, AC to AAG-7
For BMC	:	Mr. Manish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 23-07-2026 Heard learned Senior Counsel for the petitioner,

learned counsel representing the State as also learned counsel

representing Bhagalpur Municipal Corporation.

2. The present petition has been preferred for the
following relief/s:

*(i) for a writ in the nature of Certiorari
for quashing the notice dated
26.07.2022 (Annexure-4) issued by the
Municipal Commissioner, Municipal
Corporation, Bhagalpur to the
petitioner's husband by which the he
has been given one week time to*



remove the encroachment or else structure constructed on encroached land bearing Khata no. 855 Khesra no. 35 Area 61.35 Sq.Ft. situated at Hatia road Tilkamanjhi would be demolished and costs would be recovered from him.

(ii) for issuance of writ in the nature of mandamus to restrain the respondent authorities to not to demolish the structure raised on land bearing Khata no. 855 Khesra no. 35 Area 61.35 Sq.Ft. situated at Hatia road Tilkamanjhi.

(iii) for any other appropriate writ/writs, order/orders, direction/directions which may be fit in the facts and circumstances of the case.

3. Admittedly, the petitioner claims ownership of Khata No. 858, Khesra No. 30 which according to the lady has been purchased from one Rajesh Kumar Dubey who was holding power of attorney on behalf of Ashwini Kumar Ghosh.



4. The submission is that the notice has been issued on Khata No. 855, Khesra No. 35 and he has nothing to do with it.

5. The learned counsel representing the respondents submits that these facts can very well be presented before the Bhagalpur Municipal Corporation for an appropriate order.

6. Learned Senior Counsel for the petitioner submits that she be granted liberty to respond along with supportive documents before the concerned Corporation.

7. Granting said liberty and accepting the Bhagalpur Municipal Corporation to pass an appropriate order once the petitioner put forward her case, the writ petition is disposed of.

(Rajiv Roy, J)

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