

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.975 of 2015

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1. Gayatree Devi. Wife of Ramakant Tiwari. Resident of Jainagar Marwari Mohalla, P.S.- Jainagar, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Madhubani.
3. The Sub Divisional Officer, Jainagar, Madhubani.
4. The Circle Officer, Jainagar, Madhubani.
5. Sub Divisional Police Officer, Jainagar, Madhubani.
6. The Officer-in-charge, Jainagar, Madhubani.
7. Arun Pradhan.
8. Ram Prakash Pradhan. Both are Son of Late Ramlakhan Pradhan.
9. Om Prakash Pradhan son of Ramchandra Pradhan. All three private respondent Resident of Marwari Mohalla Jainagar, P.S.- Jainagar, District - Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deo Narayan Yadav, Adv.

For the Respondent/s : Mr. Amar Nath Deo, SC-26

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 03-04-2015 Heard Mr. Deo Narayan Yadav, learned counsel for the petitioner and learned counsel for the State.

The writ petition has been filed for removal of encroachment from what the petitioner terms as 'Public Way' situated at Khesra No. 319(new), 198(old), Ward No. 2, Marwari Mohalla, Jainnagar Naksha No. 19 in the District of Madhubani.

It is the complaint of the petitioner that the private respondents have encroached on the public road running over such plot.

Mr. Deo Narayan Yadav, learned counsel for the petitioner has submitted that in view of the obstruction created by the private

respondents, a proceeding under Section 133 of the Code of Criminal Procedure was registered giving rise to M.R.No.101 of 1992 and the Sub Divisional Magistrate upon consideration of the matters vide order dated 21.9.1993 issued directions to the Circle Officer for removal of the encroachment.

The grievance of the petitioner is that though the order was passed as back as on 21.9.1993 but has not been implemented. It is after a lapse of more than 20 years that the petitioner seeks implementation of the order passed by the Sub Divisional Magistrate under Section 133 of the Code of Criminal Procedure.

Having heard learned counsel for the parties and considering the grievance raised in the writ petition, this Court is of the opinion that the writ petition can be disposed of with liberty to the petitioner to raise his grievance by filing an appropriate application under the provisions of the Bihar Public Land Encroachment Act, 1956 by impleading the encroachers and demonstrating the extent of encroachment made by each of the them and which would be considered and disposed of by the statutory authority concerned in accordance with law and after giving an opportunity of hearing to the alleged encroachers.

The writ petition is disposed of accordingly.

Bibhash/-

(Jyoti Saran, J)

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