

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13362 of 2014

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Rajesh Tiwary son of Sri Manohar Tiwary, resident of village- Mangara,
P.S.- Karakat (Gorari), District- Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Rohtas as Sasaram
3. The Sub-Divisional Magistrate, Bikramganj, District- Rohtas
4. The Anchal Adhikari, Karakat, District- Rohtas
5. Parasnath Singh (Mukhiya, Gram Panchayat Chiksil) son of Late
Motichand Singh, Resident of village- Hariharpur, P.S.- Karakat, District-
Rohtas
6. Krishna Kant Singh (Rojgar Sewak, Gram Panchayat Chiksil) son of
Ram Tawakya Singh, resident of Village- Bardihan, P.S.- Karakat
(Gorari), District- Rohtas

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Sudama Singh, Advocate
Mr. Rajani Kant Singh, Advocate
For the Respondent/s : Mr. Manish Kumar, GP-8

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 23-06-2015 The petitioner complains that his raiyati land bearing R.S. Khata No. 234, R.S. Plot No. 65 to the extent of 7 kari in width and 95 kari in length as well as R.S. Khata No. 18, R.S. Plot No. 64 to the extent of 7 kari in width and 445 in length situated in Mauja-Mangara, P.S. Karakat (Gorari) in the district of Rohtas has been encroached upon by the Mukhiya Gram Panchayat Chiksil in collusion with the Rojgar Sewak i.e. the respondent nos. 5 and 6 in the process of construction of a public road.



Mr. Sudama Singh, learned counsel appearing on behalf of the petitioner with reference to an order passed by the Sub Divisional Officer, Bikramganj in Miscellaneous Case No. 232 of 2011, a copy of which is placed at Annexure-2 has submitted that the grievance of the petitioner stands confirmed in the finding recorded by the Magistrate who has also directed the respondent nos. 5 and 6 to remove the encroachment but to no effect.

I have heard learned counsel for the parties and I have perused the records. Although the writ petition was filed on 05.8.2014 but there is no counter affidavit on record. However, taking note of the nature of grievance raised by the petitioner, this Court does not propose to keep the matter pending and the writ petition is disposed of with a liberty to the petitioner to raise his grievance before the respondent no. 2 the District Magistrate, Rohtas at Sasaram who is vested with supervisory power under the provisions of Section 152 of the Panchayat Raj Act to enquire into the affairs of the Panchayat. The District Magistrate, Rohtas shall consider the grievance raised by the petitioner in the backdrop of the order passed by the Sub Divisional Officer, Bikramganj in Miscellaneous Case No. 232 of 2011 and if the grievance of the petitioner is found to be true, then he should take necessary steps for removal of the encroachment over the land of the petitioner,

the details of which are given hereinabove. In any event, the representation of the petitioner should be disposed of within 3 months from the date of receipt / production of a copy of this order.

(Jyoti Saran, J)

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