

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23740 of 2013

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Mithilesh Kumar Son Of Late Ram Nagina Singh Resident Of Mohalla-
Newati, P.S.- Maner, District- Patna

.... Petitioner

Versus

1. The State Of Bihar
2. The District Magistrate, Patna
3. The Sub-Divisional Officer, Danapur
4. The Circle Officer, Maner
5. The Officer-In-Charge, Maner Police Station, Maner
6. Vakil Mian Son Of Salam Mian Resident Of Mohalla- Newati, P.S.-
Maner, District- Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajesh Kumar Sinha, Advocate

For the State : AC to AAG 7

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 17-09-2015 I have heard learned counsel for the petitioner and the
State.

Petitioner seeks direction for removal of encroachment
from public road by the respondent no. 6.

It is contended that he had approached the Nagar
Panchayat, Maner for removal of the encroachment and the Nagar
Panchayat, Maner had already written a letter to the Circle Officer,
Maner(respondent no. 4) vide Annexure 3/A for getting the
encroachment made by respondent no. 6 be removed, however,
nothing has been done till date.

In above view of the matter, this writ application is being
disposed of, without going into the merit of the case, with a



direction to the Circle Officer, Maner (respondent no. 4) to take a decision in the concerned matter in accordance with law. He will have to determine first as to whether there is encroachment upon the concerned road or not and, thereafter, if he finds *prima facie* that there is encroachment, then he has to issue notice to the alleged encroacher and, thereafter, take a decision in accordance with law after granting reasonable opportunity to all the concerned.

It is made clear that in case the Circle Officer finds that there is encroachment upon the concerned public land then he would be required to pass a reasoned order and communicate the same to the petitioner.

It is expected that the entire exercise must be completed within three months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

SC/-

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