

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.6086 of 2012

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Vidya Sagar Prasad

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

20 17-08-2015

Heard learned counsel for the petitioner and the

State.

In this case the petitioner has filed the writ application No. 4599 of 2012 wherein the prayer has been made that the Government officials have constructed the road under the Pradhan Mantri Gram Sarak Yojna encroaching illegally the land of the petitioner. This court while examining the matter passed the order giving direction free the land from encroachment. The order was not complied with which led to the present petition. Show cause was filed by the State where in it has been stated that the encroachment has been removed from the land and a letter has been written by the Circle Officer annexing the statement bearing the signature of officer and general public. That was confronted by the petitioner by filing a reply to the show because dated 2.07.2014. Again a supplementary showcause was



filed by the State wherein again they have made statement for removal of the soil from the land of the petitioner. That was again challenged by the petitioner by filing a reply and lastly a show cause has been filed wherein paragraph ten it has been stated that the land of the petitioner is free from encroachment which is corroborated from the report of Circle Officer. In such a situation when contrary statement has been made by the State and the petitioner, this court cannot not convert the writ petition in a proceeding or a title suit. That can only be gone into a proper proceeding showing that still there is encroachment on his land. However, liberty is given to the petitioner to file a detail representation to the Commissioner of Tirhut Division who will get the enquiry done into the matter from an officer by a higher rank. If the Commissioner find that there is an encroachment, he will be obliged to pass appropriate order to clear the soil kept on the land of the petitioner. \With this observation the application is disposed of. If any such representation is filed, Commissioner will dispose of the same within six months from the date of filing. .

(Shivaji Pandey, J)

M.Rahman/-

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