

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5904 of 2014

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Jamil Ahmad Siddiqui son of Late Abdul Gafur, resident of Siddiqui House,
Village- Indarwan Shakir, P.O.- Thawe, P.S.- Gopalganj District- Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Gopalganj
2. The District Magistrate-cum-Collector, Gopalganj
3. The Sub-Divisional Officer, Gopalganj
4. The Block Development Officer, Thawe, Gopalganj
5. The Circle Officer, Thawe, Gopalganj
6. The Secretary, Rural Works Department, Bihar, Patna
7. The Panchayat Secretary, Gram Panchayat Raj Inderwa Abdullah, Block-
Thawe, District-Gopalganj

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Anjani Kumar Jha, Advocate

For the Respondent/s : Mr. Kaushal Kumar Jha, AAG-14

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 22-01-2015 Let the petitioner add the Panchayat Secretary, Gram

Panchayat Raj Thawe, District Gopalganj as respondent no. 7

during the course of the day.

Mr. Amit Prakash has appeared for the petitioner while
the State is represented by Mr. Shankar Kumar Choudhary,
Assisting counsel to AAG-14.

The petitioner claims title over a piece of land bearing
Khata No. 41, Khesra No. 77 having an area of two kathas and
Khata No. 69, Khesra No. 245 having an area of two decimals.

The complaint of the petitioner is that that the



respondent authorities in the District of Gopalganj have constructed a road which passes through these plots and have encroached to the extent of 36' x 5' over Plot No. 77 and 17' x 10' over Plot No. 245.

This Court taking note of the grievances had directed the respondent authorities to file their affidavit and pursuant where to an affidavit has been filed on behalf of the Secretary, Rural Works Division as well as the District Magistrate, Gopalganj.

In the counter affidavit filed on behalf of the District Magistrate, Gopalganj through the Circle Officer, Thawe, District-Gopalganj it has been mentioned that the Circle Officer and Block Development Officer had inspected the land and who found the encroachment over the land of the petitioner. It is, however, stated that the Gram Panchayat who has constructed the road is ready to remove the alleged encroachment.

In view of the admitted position reflecting from the counter affidavit of the District Magistrate, Gopalganj confirming the encroachment on the land of the petitioner, they are also under a duty to ensure its removal.

In view of the statement recorded in the counter affidavit of the Circle Officer filed on behalf of the District Magistrate, Gopalganj admitting to the encroachment over the land of the

petitioner, this writ petition is disposed of with a direction to the District Magistrate, the Circle Officer, Gopalganj as well as the Panchayat Secretary to ensure that the encroachments are removed from the land of the petitioner and which is restored to its original condition. The encroachment should be removed within three months from the date of receipt / production of a copy of this order.

The writ petition is allowed.

(Jyoti Saran, J)

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