

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.698 of 2015

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1. Indu Devi Wife of Sri Shohan Choudhary R/o Village Mahnar, P.S. Mahnar, District Vaishali at Hajipur

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Vaishali at Hajipur
3. The Sub Divisional Officer, Mahnar, Vaishali at Hajipur
4. The Executive Officer, Nagar Panchayat Mahanar, P.S Mahanar, District Vaishali at Hajipur
5. The Station House Officer, Mahanar, P.S. District Vaishali at Hajipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Kumar Singh, Adv.

For the Respondent/s : Mr. Ashok Kumar Chaudhary, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 01-05-2015

Heard learned counsel for the parties.

Despite two indulgences no counter affidavit has been filed.

In the circumstances, the matter is being considered on the basis of uncontroverted pleadings on record.

Mr. Nagendra Kumar Singh has appeared on behalf of the petitioner while the State is represented by the State counsel.

The grievance of the petitioner is that in the process of construction of a public road, the Panchayat authority has encroached on her raiyati land bearing Khata No. 1722 Khesra No. 3971 situated in Ward No. 7, Nagar Panchayat-Mahnar in the District of Vaishali.

Considering the nature of grievance raised herein as well as

the fact that despite two adjournments being granted to the State counsel the instructions are not forthcoming, this Court is not persuaded to keep the matter pending which is accordingly disposed of with the direction to the District Magistrate, Vaishali to consider the grievance of the petitioner as recorded hereinabove and dispose of the same within three months from the date of receipt/production of a copy of this order and in the process the District Magistrate shall verify the position by getting measurement done by an appropriate authority. In case the grievance of the petitioner is upheld, the District Magistrate, Vaishali shall take necessary steps to restore the land of the petitioner to its original condition.

The entire exercise should be completed within three months from the date of receipt/production of a copy of this order.

(Jyoti Saran, J)

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