

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15010 of 2016

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Shakti Kumar, son of Late Nageshwar Prasad resident of village Khaprailchak, P.S. Parsa Bazar, District - Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Water Resources Department, Govt. of Bihar, Patna.
3. The Engineer-in-Chief, Water Resources Department, Govt. of Bihar, Patna.
4. The District Magistrate, Patna.
5. The Sr. Superintendent of Police, Patna.
6. The Sub-Divisional Officer, Patna Sadar, Patna.
7. The Block Development Officer, Phulwarisharif, Patna.
8. The Circle Officer, Phulwarisharif, Patna.
9. The S.H.O. Parsa Bazar, Patna.
10. Sidheshwar Yadav
11. Darshans Yadav
12. Girja Yadav
13. Mirza Yadav
All are sons of Ram Das Yadav resident of village Khaprailchak, P.S. Parsa Bazar, District - Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate
For the Respondent/s : Mr. ANJANI KUMAR- AAG4
Mr. Sanjay Kumar AC to AAG-4

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 09-12-2016

Heard parties.

It is submitted on behalf of the petitioner that the private respondents are encroaching 'Badsahi Pain' which connects Parsa Bazar to Dariyapur Nahar at Parsa Bazar, Mouza-Khaprailchak, Plot Nos.468 and 469, which belongs to the Irrigation Department. It is alleged that the private respondents after filling it up and constructing house upon the ditches due to which the farmers of the concerned village and other surrounding villages are facing hardship for there is



no other source of irrigation of their agricultural land. The petitioner further submits that despite having been approached, the respondent authorities are not taking any step for removal of such encroachment.

In above view of the matter, this Court would dispose of the matter, without going into the merit of the case, with a liberty to the petitioner to approach the District Magistrate, Patna by filing a fresh application setting out his claim along with relevant documents, if any and the copy of the present order. In such case, let the District Magistrate, Patna examine the matter and do the needful in accordance with law. If it is found that there is any encroachment on the said government land by anybody then proper proceeding should be drawn for removal of such encroachment which should be brought to its logical conclusion after granting reasonable opportunity to all the concerned including the private respondents within a period of four months from the date of filing of such representation along with a copy of this order.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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