

THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20605 of 2013

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1. Ramchandra Mahto Son Of Late Fauzadar Mahto Resident Of Village
Rupwara, P.S. Tariyani Gram Panchayat Raj Madhopur Chhata, District
Sheohar

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Sheohar
3. The District Development Commissioner, Sheohar
4. The Circle Officer, Tariyani, Sheohar
5. The Block Programme Officer, Manarega, Tariyani, Sheohar
6. The Mukhiya, Gram Panchayat Madhopur, Chhata
7. The Rojgar Sevak, Gram Panchayat Madhopur, Chhata
8. The Panchayat Technical Assistant, Gram Panchayat Madhopur, Chhata

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 27-06-2016 Heard Mr. Surendra Kishore Thakur for the

petitioner. No one has appeared on behalf of the State

respondent(s).

In spite of indulgence granted, no counter affidavit
has been filed.

Petitioner raises a grievance with respect to the
construction of Government brick soiling road on his land which
falls beneath the roof (*Chhajja*) of the house of the petitioner
situated in R.S. Plot nos. 1219, 1220 and 1221 situated under



Gram Panchayat Raj, Madhpur, in the District of Sheohar. It is stated that an agreement was reached between the petitioner and the Panchayat Rojgar Sevak not to make any construction of road on the land of the petitioner. However, the respondents in breach of the agreement used the land of the petitioner falling under his roof/*Chhajja*. He wants removal thereof. In this connection, petitioner has drawn attention of the Court to the communication dated 10.08.2013 issued by the respondent – District Magistrate. It is submitted that in spite of the said order the respondents have not removed the construction material from the land of the petitioner. In other words, the petitioner wants execution of the order of the District Magistrate.

I am afraid any such exercise in writ jurisdiction can be made. If the order of the District Magistrate is not being carried out by the authorities below him, it will be well -advised to the petitioner to approach the said respondent raising the aforesaid grievance who is best situated to take appropriate steps in the matter. The writ application stands disposed of.

Needless to observe, if any such application is filed by the petitioner, the same shall receive due consideration and disposal at the hands of the concerned respondents.

Before consigning the records, this Court would

notice the submission of Mr. Thakur that the petitioner may himself remove the road materials from his land if the respondents fails to do so and inform the concerned authority.

(Kishore Kumar Mandal, J)

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