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IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15968 of 2016

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Rajesh Kumar Rai, Son of Shri Ram Dayal Rai, Resident of Village- Tedha, P.S.- Khanpur, District- Samastipur.

.... Petitioner

Versus

1. The State of Bihar through the D.M. Patna, Bihar, Shri Sanjay Agrawal.
2. The S.D.O. Danapur, Patna, Shri Sanjeev Kumar.
3. The C.O. Maner, Patna, Miss Anju Singh
4. Executive Engineer, Tubewell, Bihta, Patna West. Sri Sarvanand Upadhyaya.
5. Shri Dasrath Singh, S/o Late Kailash Singh, Resident of Village- Darveshpur Bagicha, P.S. Maner, Dist.- Patna.
6. Sri Ram Ayodhya Sao, S/o Late Dhandhan Sao, Resident of Village- Darveshpur Bagicha, P.S. Maner, Dist.- Patna.
7. Sri Rajendra Bhagat, S/o Late Thandas Rai, Resident of Village- Darveshpur Bagicha, P.S. Maner, Dist.- Patna.

.... Respondents

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Appearance :
For the Petitioner : Mr. Upendra Kumar Singh, Advocate
For the State : MD. Naseem Mukhtar, A.C. to AAG12

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 03-10-2016

Heard Mr. Upendra Kumar Singh, learned counsel, appearing on behalf of the petitioner, and Md. Naseem Mukhtar, learned Assistant Counsel to learned Additional Advocate General No.12, appearing on behalf of the State-respondents.

The grievance of the writ petitioner, made in this writ petition, under Article 226 of the Constitution of India, in the nature of Public Interest Litigation, relates to removal of encroachment of the land of the Tubewell No. 47 on survey Plot No. 894 and its drain is from plot Nos. 861, 1136, 638, 962, 870, 831, 868 and 883 of village Darweshpur, Thana Maner, District – Patna, which is used as *Aam Rasta*.

Having regard to the facts pleaded in this writ petition, the materials on record and, having heard learned counsel for both the parties, we find that the subject matter of this writ petition is fully covered by the observations made, and the directions given, by us in the order, dated 24.11.2015, passed in C.W.J.C. No.4309 of 2015 **(Sanjay Jha Vs. The State of Bihar and Others)**, reported in 2016(1) PLJR 248.

In view of the above and in the interest of justice, it is hereby directed that respondent No. 1, namely, the Collector, Patna, shall act, in the present matter, in accordance with law, keeping in view the observations made and the directions given in the order, dated 24.11.2015, aforementioned.

The petitioner may furnish to respondent No.1, namely, District Magistrate, Patna, a copy of this writ petition along with annexures thereto and also a certified copy of this order.

In view of the above, this writ petition is accordingly, disposed of.

Let a copy of this order be sent by FAX to the Collector, Patna.

(I. A. Ansari, CJ)

(Dr. Ravi Ranjan, J)

Spd/-/ Sanjay

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.10.2016
Transmission Date	NA