

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12867 of 2016

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Gopal Mahto, Son of Late Ram Swaroop Mahto, Resident of Village
Banhara, Gram Panchayat Dhankaul, P.S. + Anchal Teghra, District-
Begusarai.

.... Petitioner

Versus

1. The State of Bihar, through Principal Secretary, Department of Revenue, Govt. of Bihar, Patna.
2. The District Magistrate, Begusarai.
3. The Sub-Divisional Magistrate Teghra, District Begusarai.
4. The Circle Officer, Teghra, District- Begusarai.
5. The Circle Inspector, Teghra, District- Begusarai.
6. The Anchal Amin, Teghra Anchal, Teghra, District- Begusarai.
7. Sahil Sinha @ Purushottam Kumar, Son of Late Bipin Prasad Sinha.
8. Chotan Sinha, Son of Late Bipin Prasad Sinha
9. Prince Sinha, Son of Late Bipin Prasad Sinha
10. Shambhu Prasad Sinha, Son of Late Binda Lal
11. Navin Prasad Sinha, Son of Late Binda Lal
12. Ram Chandra Prasad, Son of Jamun Lal
13. Gauri Mahto, Son of Lakhichand Mahto.
14. Vijay Mahto, Son of Gauri Mahto.
15. Surjeet Mahto, son of Rama Shankar Mahto.
16. Kunal Mahto, son of Rama Shankar Mahto,

All resident of Village- Banhara, Gram Panchayat Dhankaul, P.S &
Anchal- Teghra, District- Begusarai.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Md. Fahimuddin, Advocate
For the State : Mr. Md.Khurshid Alam-AAG-12

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-04-2017 Heard learned counsel for the petitioner and Mr. Md.

Khurshid Alam, learned AAG-12 appearing on behalf of the

respondent State.

The present writ application has been filed for a



direction to remove the encroachment made by respondent nos. 7 to 16, over a public road appertaining to Thana No. 396, Khata No.83, Plot No.43, situated at Mauza- Salnabad @ Dhankau, in the District of Begusarai.

It is submitted by learned counsel for the petitioner that the land in question is a public road, but the same has been encroached by respondent nos. 7 to 16, causing great inconvenience to the public at large. For removal of such encroachment, a public petition dated 05.10.2015 was submitted before the District Magistrate, Begusarai, as contained in Annexure-1. The petitioner has also submitted an application on 05.10.2015 before the Sub-Divisional Magistrate, Teghra, as contained in Annexure-2, as well as before the Circle Officer, Teghra, as contained in Annexure-3, but till date the encroachment has not been removed.

Md. Khurshid Alam, learned AAG-12 appearing on behalf of the respondent State submits that he has no instruction for the present whether the encroachment has been removed or not?

Under the circumstances, the writ application is disposed of with a direction to respondent nos. 2 to 4 to dispose of the representation of the petitioner, as contained in Annexure



Nos.- 1 to 3, dated 5.10.2015, with a reasoned order, after giving due opportunity of being heard to all the affected persons, within a period of three weeks from the date of receipt/production of a copy of this order. If, *prima facie* it is found that the encroachment has been made on the public road, then appropriate proceeding under the Bihar Public Land Encroachment Act, be initiated within three weeks thereafter and the same should be taken to its logical conclusion within a period of five months of its initiation, after giving due opportunity of being heard to all the affected persons.

With the above observation and direction, the writ application is disposed of.

(Dinesh Kumar Singh, J)

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