

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13540 of 2016

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Siya Ram @ Siya Ram Yadav Son of Sumirit Lal, resident of Village-
Tengrar, P.S.- Khutauna, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar, Patna.
 2. The Commissioner, Darbhanga.
 3. The District Magistrate, Madhubani.
 4. The Additional Magistrate, Madhubani,
 5. The District Land Acquisition Officer, Madhubani.
 6. The Sub-Divisional Officer, Phulparas, Madhubani.
 7. The Circle Officer, Khutauna, District Madhubani.
 8. Keshav Kumar Son of Late Mani Yadav,
 9. Madhusudan Yadav Son of Khushi Lal Yadav,
 10. Bansi Narayan Yadav Son of Late Mani Yadav,
 11. Raj Lal Yadav Son of Bansi Narayan Yadav,
 12. Desi Lal Yadav Son of Late Mani Yadav,
 13. Ashok Kumar Yadav Son of Bansi Lal Yadav,
- All Respondent no. 8 to 13 resident of Village- Tengrar, P.S.- Khutauna,
District- Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate
For the Respondent/s : Mr. Md. Khurshid Alam- AAG-12

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 27-03-2017 Heard learned counsel for the petitioner and learned
AC to AAG-12 for the respondent State.

The present writ application has been filed for a
direction to the respondent authorities to remove the encroachment
over the public road and demarcate the land of the petitioner,
appertaining to Khata No. 216 (old), 491 (new), Plot No.
4037(old) and 4398 (new), situated in Village- Tengrar, P.S.
Khutauna, Anchal –Khutauna, in the District of Madhubani.



It is submitted by learned counsel for the petitioner that the public, at large, are using the *raiya* land of the petitioner as public road, whereas the public road has been encroached upon by the private respondent nos. 8 to 13 and others. It is further submitted that in spite of representation filed before the respondent authorities no action has been taken either for removal of encroachment or for demarcation of the *raiya* land of the petitioner.

Learned AC to AAG-12 submits that the specification of the public road has not been mentioned in the petition, hence, on this score alone, the writ application is not maintainable. Moreover, if the petitioner wants his land to be demarcated, the remedy lies before the appropriate authority, if he files an application to that effect; the same will be disposed of within a fixed time frame.

Learned counsel for the petitioner confines his prayer only to the extent that this writ application may be disposed of with a direction to the respondent authorities to dispose of the representation of the petitioner.

Considering the rival submissions of the parties, the writ application is disposed of with a liberty to the petitioner to file a fresh representation, giving specific detail with regard to



public road as well as the detail of his *raiya* land before the respondent no.7 within a period of four weeks.

It is expected from respondent no.7, the Circle Officer, Khutauna, that he shall dispose of the representation of the petitioner with a reasoned order within a period of six weeks of its filing.

With the above observation, this writ application is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

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