

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20879 of 2014

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Vakilan Khatoon, wife of Mobarak Mian, resident of Village- Laxmipur P.S.-
Motihari Muffasil, District- East Champaran

.... Petitioner

Versus

1. The State of Bihar
2. The District Collector, East Champaran, Motihari
3. The in charge District Public Complain Cell, East Champaran
4. The Sub-Divisional Officer, Motihari East Champaran
5. The Circle Officer, Motihari East Champaran
6. Ishak Mian
7. Rajak Mian
8. Tabarak Mian all are sons of Hussaini Mian
9. Sahid Mian son of Ishak Mian
10. Alauddin Mian son of Rajak Mian all are resident of village- Laxmi pur, P.S.-
Motihari Muffasil, District- East Champaran

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate

For the Respondent/s : Mr. Deepak Sahay Jamuar, AC to AAG-4

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 27-01-2017

Heard parties.

It is contended on behalf of the petitioner that the private respondents have encroached the '*Aam Rasta*' situated under Mauza- Bharauliya, Laxmipur, Thana No.153, Khata No.16 due to which there is no ingress and egress left for the petitioner.

The petitioner claims that she has approached several times before the respondent no.5, Circle Officer, Motihari, East Champaran for removal of the encroachment from the public road but no action has been taken till date.



Accordingly, this writ application is being disposed of with a liberty to the petitioner to again move before the respondent no.5 along with a copy of this order by filing a detailed application under the Bihar Public Land Encroachment Act for removal of encroachment from the public road. On such application filed by the petitioner, the Circle Officer (respondent no.5) would examine as to whether there is encroachment upon public road or not as it appears from Annexure-3 series that the *Anchal Amin* has already submitted a report in the year 2014 itself that there is encroachment on public road. Thereafter, if he is satisfied that there is encroachment upon public road/land then he would proceed to take steps for removal of the same on its own merit and in accordance with law after granting reasonable opportunity to all the concerned persons including the private respondents.

The entire exercise should be completed within a period of four months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	02.02.2017
Transmission Date	N.A.

