

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20092 of 2013

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Prabhunath Prasad, Son of Lalan Prasad, Resident of Village -
Mohammadpur, Pandey Tola, Police Station - Mohammadpur, District -
Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Gopalganj
2. The Sub Divisional Officer, Gopalganj
3. The Block Development Officer, Sidhwalia, District - Gopalganj
4. Circle Officer, Sidhwalia, District - Gopalganj
5. Kanhaiya Thakur Son of Rudal Thakur Resident of Village -
Mohammadpur, Pandey Tola, Post Office - Tekanwal, Police Station -
Mohammadpur, District - Gopalganj
6. Manager Thakur Son of Lal Bihari Thakur Resident of Village -
Mohammadpur, Pandey Tola, Post Office - Tekanwal, Police Station -
Mohammadpur, District - Gopalganj
7. Ram Bilash Thakur Son of Mahanth Thakur Resident of Village -
Mohammadpur, Pandey Tola, Post Office - Tekanwal, Police Station -
Mohammadpur, District - Gopalganj
8. Rameshwar Thakur Son of Mahanth Thakur Resident of Village -
Mohammadpur, Pandey Tola, Post Office - Tekanwal, Police Station -
Mohammadpur, District - Gopalganj
9. Santosh Thakur Son of Ram Bilash Thakur Resident of Village -
Mohammadpur, Pandey Tola, Post Office - Tekanwal, Police Station -
Mohammadpur, District - Gopalganj
10. Sudina Thakur Son of Manager Thakur Resident of Village -
Mohammadpur, Pandey Tola, Post Office - Tekanwal, Police Station -
Mohammadpur, District - Gopalganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Adv.
For the State : Mr. Kameshwar Prasad Gupta, G.P.-10

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 20-06-2017 Heard learned counsel for the petitioner and learned
GP-10 for the State.

The present writ application has been filed for a
direction to the respondent authorities to get the encroachment



removed, made by respondent nos. 5 to 10 on a public road pertaining to Plot No.2400, Khata No.517, situated at Village-Mohammadpur Pandey Tola, Circle-Sidhwalia in the District of Gopalganj.

Learned counsel for the petitioner submits that the land in question is being used as public road by the villagers but respondent nos. 5 to 10 have forcibly encroached the public road. The petitioner submitted representation dated 07/09/2013, before Respondent No.4, the Circle Officer, Sidhwalia, for removal of the encroachment, as contained in Annexure-2 to the writ application. The petitioner also submitted a representation on 05.09.2013, before Respondent No.1, the Collector, Gopalganj, as contained in Annexure-3, though, the Collector, Gopalganj, forwarded the representation of the petitioner to the Circle Officer with a direction to make enquiry and take necessary action, but till date no action has been taken.

Mr. Kameshwar Prasad Gupta, learned GP-10 submits that, at present, he does not have any instruction whether the encroachment has been removed or not from the land in question.

In view of the nature of order, this Court intends to pass there is no need of issuance of notice to the private



respondents.

In the circumstances, this writ application is disposed of with a direction to Respondent No.4, the Circle Officer, Sidhwalia, to dispose of the representation of the petitioner within a period of three weeks from the date of receipt/production of a copy of this order. If respondent no.4, comes to conclusion that the public road has been encroached upon then appropriate encroachment proceeding be initiated and be taken to its logical conclusion within a period of four months after giving due opportunity of being heard to all affected persons in accordance with the provisions of the Bihar Public Land Encroachment Act.

Accordingly, the writ application is disposed of.

(Dinesh Kumar Singh, J)

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