

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8048 of 2014

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Shivaji Thakur S/o Late Mosafir Thakur resident of Village - Balha
Manorth, P.O. - Rasalpur, Anchal + P.S. - Bajpatti, Distt. - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector-Cum-District Magistrate, Sitamarhi.
3. The Sub-Divisional Magistrate, Pupri, Distt. - Sitamarhi.
4. The Circle Officer, Bajpatti, Distt - Sitamarhi.
5. The Deputy Collector Land Reform, Purpir , Distt. - Sitamarhi.
6. The Superintendent of Police, Distt. - Sitamarhi.
7. The Officer Incharge, Bajpatti
8. Binod Jha son of Devkant Jha.
9. Ranjit Jha Son of Devkant Jha.
10. Amod Jha Son of Jay Kant Jha.
11. Shambhu Jha S/o Late Sati Jha Res. No. 6 to 9 Resident of Village -
Balha Manorath, P.O. - Rasalpur, Anchal + P.S. - Bajpatti, Distt. -
Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate
For the Respondent/s : Mr. Rishi Raj Sinha, SC-19

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-03-2017 Heard learned counsel for the petitioner and learned
SC-19 for respondent nos. 1 to 6.

The present writ application has been filed for a
direction to the respondent authorities for removal of
encroachment, made by respondent nos. 6 to 9, over a public road,
appertaining to Khata No.40, Plot No.1278, situated at Village-
Balta Manorath, in the District of Sitamarhi.

It is submitted by learned counsel for the petitioner



that for removal of encroachment from the public road, made by respondent nos. 6 to 9, the petitioner filed a representation on 12.09.2013 in the Janta Darbar of the Collector, Sitamarhi. Consequently, in view of the representation of the petitioner, *Anchal Amin*, was directed, vide Letter No.4468, dated 12.09.2013, issued by District Public Grievance Cell, Collectorate, Sitamarhi, to measure the public road, in question, and submit a report. In pursuance to the same, the *Anchal Amin* prepared a report, after measurement and submitted the same on 26.11.2013, giving a finding therein that the said plot is being used as public road. The said road is only pathway being used by the petitioner to reach his house, but respondent nos. 6 to 9 have encroached the same, as a result the road, in question, has been reduced to a narrow passage. The report also suggests that on 02 decimal of part of Plot No.1278, Khata No. 407, Jamabandi has been opened in favour of Ramchandra Thakur, vide Jamabandi No.820. The report of the *Anchal Amin* has been brought on record as annexure-1.

It is further submitted on behalf of the petitioner that the petitioner filed another representation on 31.10.2013 and 20.11.2013 before the Collector, Sitamarhi, for removal of the encroachment, in view of the report of the *Anchal Amin*, but till



date neither any action has been taken by the Collector, Sitamarhi, for removal of the encroachment nor representation of the petitioner has been disposed of.

Learned counsel for the respondent State submits that he does not have any latest instruction with regard to the representation of the petitioner, whether it is still pending or has been disposed of ?

Considering the rival submissions of the parties, this writ application is being disposed of with a direction to the Collector, Sitamarhi, to dispose of the representation of the petitioner, as contained in annexure-2 series, within a period of six weeks, if it has not already been disposed of, with reasoned order. If it is found by the Collector that the road, in question, is a public road and it has been encroached upon then, it is expected from the Collector, Sitamarhi, to initiate or get initiated appropriate proceeding, under the provisions of Bihar Public Land Encroachment Act, and after giving due opportunity to all affected persons and conclude the proceeding within a period of five months of its initiation.

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

(Dinesh Kumar Singh, J)

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