

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14026 of 2017

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Dasharath Sah, Son of Sri Gaya Sah, Resident of Village- Chaubey Tola, P.S. Chanpatia, District Bettiah (West Champaran).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue Department.
2. The District Magistrate, Bettiah.
3. The Superintendent of Police, Bettiah.
4. The Sub Divisional Officer, Bettiah.
5. The Officer -in- Charge of Chanpatia Police Station District- Bettiah.
6. The Circle Officer, Block- Chanpatia, P.S.- Chanpatia, District- Bettiah.
7. Pramod Yadav Son of Late Ramakant Yadav, Resident of Village & P.O.- Chaubey Tola, P.S. Chanpatia, District Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni
For the Respondent/s : Mr. SAJID SALIM KHAN -SC25

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 16-11-2017 Heard learned counsels for the parties.

The present writ application has been filed for a direction to the respondent authorities to remove the encroachment made over the Government road appertaining to Plot No. 1145, Mauza Moti Chapra, whereupon respondent no. 7 has constructed the boundary wall. Prayer has also been made to give direction to the respondent authorities to re-construct the community hall which has been demolished by respondent no. 7 and also to remove the encroachment from the Government canal situated in Village – Chaubey Tola. However, at present, learned counsel



for the petitioner submits that the writ application may be disposed of with a direction to the respondent no. 6, Circle Officer, Chanpatia to dispose of the representations of the petitioner dated 8.7.2017 and 30.7.2017, as contained in Annexures 4 and 6, respectively.

In view of the confined prayer of learned counsel for the petitioner and the nature of order this Court intends to pass, this Court is not inclined to adjourn the matter for filing counter affidavit or to issue notice to the private respondent no. 7.

It is submitted by learned counsel for the petitioner that the Government road and the Government canal have been encroached upon by respondent no. 7. However, learned SC 25 submits that from the representation of the petitioner, it appears that the petitioner claims the land in question as raiyati land.

Without expressing any opinion with regard to the claim of the petitioner or the nature of land in question, the respondent no. 6, the Circle Officer, Chanpatia is directed to dispose of the representations of the petitioner dated 8.7.2017 and 30.7.2017, as contained in Annexures 4 and 6, respectively, within a period of six weeks from the date of receipt/production of a copy of this order.

With the aforesaid observation/direction, this writ



application is disposed of.

(Dinesh Kumar Singh, J)

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