

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11258 of 2015

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Shatrughan Rai Son of Late Sitaram Rai, Resident of Village- Pantpakar Tola,
Chhatwagardh, P.S.- Bathnaha, Distt.- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Collector-Cum- District Magistrate, Sitamarhi.
3. The Sub- Divisional Magistrate, Sitamarhi Sadar, Sitamarhi
4. The Circle Officer, Bathnaha, Distt.- Sitamarhi
5. The Deputy Collector Land Reform, Sitamarhi Sadar.
6. Ram Narayan Rai Son of Ram Baran Rai
7. Lalan Rai Son of Ram Nandan Rai Both Respondant No. 6 and 7 are resident of
village- Panthpakar Tole Chhatwagardh, P.S.- Bathnaha, Distt.- Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate
For the Respondent/s : Mr. DR. ANSHUMAN- SC14

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date: 16-03-2017

Heard learned counsel for the petitioner and
respondent-State.

The present writ application has been filed for a
direction to the respondents to dispose of the representation of the
petitioner pending before respondent no.2, the Collector-cum-
District Magistrate, Sitamarhi, submitted for removal of the
encroachment made by respondent nos.6 and 7 from public road
appertaining to Khesra No.5402, situated in front of the petitioner's
house appertaining to Khata No.325, Khesra No.2901 situated at
village Pantpakar, P.S. No.189, Circle-Bathnaha and PS.-Bathnaha



under the district Sitamarhi. The prayer of the petitioner in paragraph no.1 of the petition reads as under :-

"That by the writ application the petitioner seeks indulgence from the Hon'ble Court interalia, to issue of writ in the nature of mandamus or any other appropriate writ/writs, order/orders direction/directions commanding the respondents to take steps to dispose of the representation of the petitioner pending before respondent no.-2 remove the encroachment from the public road bearing Kheshera No.5402 situated in front of Khata No.325, Kheshera No.2901 at village Pantpakar under R.S. Thana No.189 Anchal bathnaha and P.S. Bathnaha in front of petitioner's house respondent no.6 and 7 who had erected bricks house khaprail house and have day to day public road encroached that was Raiyati land resultantly people of these villages/passengers have not passing over the road easily and do not to cultivate their field proper and also creates traffic hazards and public nuisance by the Private respondents and for any other relief or reliefs to which the Hon'ble Court may deem fit and proper in the facts and circumstances of this Case."

Learned AC to SC-21 representing the respondents State submits that he has no objection, if a direction is issued to dispose of the pending representation of the petitioner.

Considering the rival submissions of the parties, respondent no.2, the Collector-cum-District Magistrate, Sitamarhi, is directed to dispose of the representation of the petitioner dated 16.10.2014, as contained in annexure-3 to the writ petition and if it is found that the public road has been encroached then a proper proceeding be initiated



under the provisions of the Bihar Public Land Encroachment Act and the same be concluded within a period of six months.

Accordingly, with the aforesaid observation, this writ application is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.03.2017
Transmission Date	NA

