

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8213 of 2016

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1. Rajendra Prasad S/o - Shri Raman Rai Resident of Village - Pachpokhari, O.P. Mahua, P.S. - Chhauradanu, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Rural Development, Govt. of Bihar, Patna.
3. The Commissioner, Tirhut Division, Muzaffarpur.
4. The District Magistrate, East Champaran, Motihari.
5. The Circle Officer, Aadapur.
6. Chandra Mohan Rai S/o Late Kapildeo Rai Resident of Vill - Pach Pokhari, P.S. Chhauradanu, Distt. - East Champaran (East Motihari).
7. Ram Swarath Rai S/o - Late Chhatu Rai
8. Yamuna Rai S/o - Late Akalu Rai
9. Gamira Sah S/o Late Chetharu Sah
10. Ramaghya Rai S/o Late Kalicharan Rai
11. Sunar Rai S/o Late Banti Rai
12. Sakal Baitha S/o - Late Bhuali Baitha
13. Sukhal Baitha S/o Late Kalyug Baitha
14. Chitavan Baitha S/o Late Saryug Baitha
15. Kamal Rai S/o - Late Brij Rai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Adv.

For the Respondent/s : Mr. Sangha Mitra Ghosh, A.C. to G.P.-15

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date: 23-03-2017

Heard learned counsel for the petitioner and learned

A.C. to G.P.-15 for respondent nos. 1 to 5.

Learned counsel for the petitioner submits that due to inadvertence, respondent no. 4 has been described in the array of respondents as “the District Chairman, Bihar Public Service Commission, Bailey Road, Patna” in stead of “The District



Magistrate, East Champaran, Motihari”.

Hence, learned counsel for the petitioner is permitted to make correction with regard to description of respondent no.4.

The present writ application has been filed for a direction to the respondent authorities to remove the encroachment made by respondent nos. 6 to 15 on the main road appertaining to Khata No. 248, Plot Nos. 1835, 1897, 1973, 209 and 1908 situated in the village-Pachpokharia under the district-East Champaran, Motihari which is recorded in the revenue record as *Gairmazarua* land.

It is submitted by the learned counsel for the petitioner that the land in question is a public road and recorded in the revenue record as *Gairmazarua* land but the same has been encroached by respondent nos. 6 to 15 as a result the width of the road has been reduced from 70 to 100 feet, as depicted in the map, to a narrow pathway. The petitioner and others submitted a representation on 02.08.2014 to the District Magistrate, East Champaran, Motihari as contained in Annexure-1 with a prayer for removal of the encroachment from the land in question. Consequently, Senior Deputy Collector, District Revenue, East Champaran, Motihari transmitted the representation of the petitioner to the respondent no.5, Circle Officer, Adapur, East



Champan vide letter no. 29.08.2015 as contained in Annexure-3 to conduct spot enquiry who was further directed to submit action taken report within a period of 15 days so that the District Magistrate may be informed accordingly. It is further submitted that till date neither the required report has been submitted by the Circle Officer nor encroachment has been removed. The petitioner and others subsequently submitted another representation before the District Magistrate and S.P., East Champaran, Motihari on 9/10.06.2015 as contained in Annexure-4 but the same has also not been disposed of.

Learned A.C. to S.C.-15 submits that at present she has no instruction about disposal of the representations of the petitioner as contained in Annexure-1, 2 and 4 by respondent no.4.

Considering the rival submissions of the parties, it is expected from respondent no.4 to dispose of the representation of the petitioner as contained in Annexure nos.-1 and 4 with speaking order within a period of six weeks from the date of receipt/production of the copy of this order after giving due opportunity to all affected persons. If the representations of the petitioner are not located then the petitioner will be at liberty to submit a fresh representation within a period of four weeks when respondent no.4 will dispose it of within six weeks thereafter.



Accordingly, the present writ application is disposed
of.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	27/03/2017
Transmission Date	N/A

