

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5370 of 2014

=====

Nirmala Sinha, W/O Jugeshwar Sinha, R/O Saraswati Vihar Colony,
Ambedkar Path, P.S. Rupaspur, Patna - 14

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna
2. The District Magistrate, Patna
3. Mr. Deep Narayan Singh, S/O Late Known R/O Saraswati Vihar Colony, Ambedkar, Path, P.S. Rupaspur, Patna - 14
4. Mr. Ram Suphal Singh, S/O Not Known, R/O Sarastuati Vihar Colony, Ambedkar, Path, P.S. Rupaspur, Patna - 14

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Amit, Adv.

For the Respondent/s : AC to GP-7

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-07-2017 Heard learned counsel appearing on behalf of the petitioner and learned AC to GP-7 appearing on behalf of respondent State.

The present writ application has been filed for the following reliefs :-

“i. To direct the respondent no.2 to consider and dispose of the application dated 06/09/2013 filed on behalf of the petitioner by reasoned and speaking order.

ii. To direct the respondent no.2 to initiate a proceeding under public road encroachment act against the respondent nos.3 and 4 respectively.

iii. To direct the respondent to grant the petitioner another relief/reliefs for which she is legally entitled in the facts and circumstances stated wereinafter.”

Learned counsel for the respondent State submits



that, at present, she does not have any instruction whether the representation of the petitioner has been disposed of or not, or whether the encroachment proceeding has been initiated or not.

In view of the relief prayed for and the fact that the writ application was filed on 12/03/2014, but the counter affidavit has not been filed till date, this Court is not inclined to adjourn the matter any further. However, in view of the relief prayed for, this Court intends to pass such order which does not require issuance of notice to the private respondents.

Accordingly, the writ application is disposed of with a direction to Respondent No.2, the District Magistrate, Patna, to dispose of the representation dated 12/03/2014, submitted by the petitioner, if it has already not been disposed of. *Prima facie*, if it is found that there is encroachment on the public road then appropriate proceeding be initiated under the provisions of the Bihar Public Land Encroachment Act (hereinafter called as the Act), if it is already not initiated and the same should be taken to its logical conclusion within a period of five months, after giving due opportunity of hearing to all the affected persons, in accordance with the provisions of the Act.

(Dinesh Kumar Singh, J)

Ashwini/-

U			
---	--	--	--

