

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10467 of 2016

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1. Kumud Ranjan Mishra Son of Shree Surya Narayan Mishra, resident of Village- Bhatsimar, P.S.- Rajnagar, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Madhubani, District- Madhubani, Bihar.
2. The Sub-Divisional Officer, Madhubani, District- Madhubani.
3. The Circle Officer, Rajnagar, District- Madhubani.
4. Upendra Ram, Son of Late Rati Ram, resident of Village- Bhatsimar, P.S. Rajnagar, District- Madhubani.
5. Shiv Ram, son of Late Rati Ram, resident of Village- Bhatsimar, P.S.- Rajnagar, District- Madhubani.
6. Fool Ram, son of Late Rati Ram, resident of Village- Bhatsimar, P.S.- Rajnagar, District- Madhubani.
7. Param Ram, Son of Late Mohan Ram, resident of Village- Bhatsimar, P.S.- Rajnagar, District- Madhubani.
8. Mahindra Ram, Son of Late Mohan Ram, resident of Village- Bhatsimar, P.S.- Rajnagar, District- Madhubani.
9. Bouku Ram, Son of Late Mohan Ram, resident of Village- Bhatsimar, P.S.- Rajnagar, District- Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kripa Nand Jha
For the Respondent/s : Mr. Sanjay Pandey- Gp21

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-07-2017 Heard Mr. Kripa Nand Jha, learned counsel for the petitioner and Mr. Rakesh Ranjan, learned AC to GP-22 appearing on behalf of the State.

The present writ application has been filed for a direction to the respondents 1st set to get the encroachment removed over the public road situated on survey plot no.111 in Village Bhatsimar, District-Madhubani. A prayer has also been



made for removal of the encroachment from raiyati land of the petitioner appertaining to Khata No.63 (old) 97 (new), Plot No.43/1 (old) 66 (new) measuring an area of 3 kathas 9 dhurs.

Learned counsel for the petitioner, however, now, confines his prayer in the present proceeding only to the extent of removal of encroachment from the public road with a liberty to raise grievances for removal of encroachment on private land in an appropriate proceeding, if need be.

It is submitted by learned counsel for the petitioner that the public road as well as the private land of the petitioner have been encroached by the respondent nos.4 to 9 (respondents 2nd set).

This Court is not inclined to issue notice to the respondent nos.4 to 9, in view of the nature of order this Court intends to pass.

A counter affidavit has been filed in this case on behalf of the respondent no.3, the Circle Officer, Rajnagar, Madhubani wherein a statement has been made in paragraph no.12 that the Encroachment Case No.1 of 2016-17 has already been initiated for removal of the encroachment from the public road situated on survey plot no.111.

In view of the stand of the respondents, this writ



application is disposed of with a direction to the respondent no.3, the Circle Officer, Rajnagar to conclude the proceeding within a period of four months from the date of receipt/production of a copy of this order after giving due opportunity of hearing to all affected persons in accordance with the provisions of the Bihar Public Land Encroachment Act.

(Dinesh Kumar Singh, J)

Arvind/-

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