

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15864 of 2013**

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Ramesh Chandra Jha Son of Late Jaydev Jha Resident of Village- Rampur  
Tol, P.O.- Shivnagar, P.S.- Benipatti, District- Madhubani

.... .... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Madhubani
3. The Sub-Divisional Officer, Benipatti
4. The Circle Officer, Benipatti
5. Upendra Mali Son of Late Ram Prasad Mali Resident of Village-  
Rampur, P.S.- Benipatti, District- Madhubani
6. Bhogendra Mali Son of Late Ram Prasad Mali Resident of Village-  
Rampur, P.S.- Benipatti, District- Madhubani
7. Rajesh Mali Son of Late Devendra Mali Resident of Village- Rampur,  
P.S.- Benipatti, District- Madhubani

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Amish Kumar  
For the Respondent/s : Mr. Manoj Kr. Ambastha

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      28-04-2017      Heard Mr. Amish Kumar, learned counsel for  
the petitioner and learned A.C. to S.C. 26 for the State.

The present writ application has been filed for a  
direction to the respondent authorities to remove the encroachment  
existing over the land bearing Khesra No. 148 situated in Mauza  
Rampur, Benipatti in the District of Madhubani, which is a public  
road, but the same has been encroached upon by different persons.

A representation in this regard was submitted to  
the Circle Officer, Benipatti, respondent No. 4 on 07.12.2009, as  
contained in Annexure-1. Consequently, vide Memo No. 4 dated



09.01.2010, the Circle Officer, Benipatti directed the Anchal Amin for the measurement of the land in question. The Anchal Amin submitted the report to the Circle Officer, Benipatti, as contained in Annexure-2 suggesting that the road has been encroached. Consequently, the Circle Officer, Benipatti requested the Sub-Divisional Officer, Benipatti to depute Block Agriculture Officer as Magistrate for removal of encroachment from the land bearing Khesra No. 148 situated in Mauza Rampur, Benipatti in the District of Madhubani, as contained in Annexure-3. The Sub-Divisional Officer, Benipatti, in response to the request made by the Circle Officer, vide Memo No. 156 dated 28.02.2012 deputed Block Agriculture Officer, Benipatti as Magistrate for removal of the encroachment over the land in question. The Sub-Divisional Officer has also requested the Sub-Divisional Police Officer, Benipatti to depute armed forces for maintaining law and order while removing the encroachment over the land in question.

It is submitted by learned counsel for the petitioner that till date the encroachment has not been removed.

Considering the nature of relief as sought for and the order this Court proposes to pass, this Court does not find it necessary to issue notice to the private respondent Nos. 5 to 7.

Accordingly, the writ application is disposed of



with liberty to the petitioner to submit appropriate application before the respondent No 4 the Circle Officer, Benipatti, ventilating the grievances within a period of four weeks from today. It is expected from the respondent No. 4 to dispose of the representation of the petitioner with speaking order within four weeks of submission of application. If the respondent No. 4 arrives at a conclusion that the public road has been encroached upon, then the encroachment proceeding, if not already been initiated, shall be initiated and taken to its logical conclusion, within a period of three months, after giving due opportunity of hearing, to all the affected persons, under the provisions of Bihar Public Land Encroachment Act, 1956.

Accordingly the application is disposed of.

**(Dinesh Kumar Singh, J)**

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