

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7553 of 2017

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1. Smt. Mala Devi, wife of Bhuvneshwar Rajak, Resident of Village-
Laxmipur (Bind Toli), P.O. & P.S.- Sahebpur Kamal, District- Begusarai.

.... Petitioner/s

Versus

1. The Union of India through its Project Director, Indian National Highway Authority, Patna (Bihar).
2. The Project Director, Indian National Highway Authority, Bihar, Patna.
3. The State of Bihar.
4. The Collector-cum-District Magistrate, Begusarai.
5. The Superintendent of Police, Begusarai.
6. The Sub-Divisional Officer-cum-S.D.M., Balia, District- Begusarai.
7. The Anchal Adhikari, Sahebpur Kamal, Anchal Sahebpur Kamal, District- Begusarai.
8. Surendra Sah, Son of Anup Sah,
9. Munna Yadav, Son of Late Devo Yadav,
10. Vikash Kumar, Son of Late Umesh Sah,
11. Vakil Mandal, Son of Madvaki Mandal,
12. Kailash Pandit, Son of Ram Badan Pandit,
13. Shankar Sah, Son of Satho Sah,
14. Kartik Das, Son of Triloki Das,
15. Jawahar Mandal, Son of Narsingh Mandal,
16. Rohit Yadav,
17. Krishna Nandan Yadav,
18. Nunudhan Yadav,
19. Kishori Yadav, all Sons of Garib Yadav, Resident of Village- Baburahi (Laxmipur), P.O. & P.S.- Sahebpur Kamal, District- Begusarai.
20. Raso Mandal, Son of Bhola Mandal,
21. Rudal Mandal, Son of Narsingh Mandal, Resident of Respondent no. 20 and 21 of Village- Laxmipur, P.O. & P.S.- Sahebpur Kamal, District- Begusarai (Bihar).

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Uma Shankar Prasad. Sr. Adv. Mr. Kamala Kant Tiwary, Adv Mr. Kundan Kumar, Adv.
For the Respondent no.1	:	Mr. S.D. Sanjay, (Addl. S.G.) A. B. Mathur, (C.G.C.)
For the State	:	Mr. Wasi Ahmad Khan-A.C. to SC-25

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-06-2017

Heard Mr. Uma Shankar Prasad, learned Senior



Counsel for the petitioner, Mr. S.D. Sanjay, learned Senior Counsel, Addl. Solicitor General on behalf of respondent nos.1 and 2, and learned A.C. to S.C.-25 for respondent nos. 4 to 6.

This Court intends to pass an order which does not require issuance of notice to private respondent nos. 8 to 21.

The present writ application has been filed for a direction to the respondent authorities to get the encroachment removed from the public road (N.H.-31) bearing Khata No. 551, Plot No. 723 situated in Mauza-Sahebpur Kamal, Thana No. 663 in the District of Begusarai.

It is submitted by learned Senior Counsel for the petitioner that the public road has been encroached by private respondent nos. 8 to 21 and others, when the authority, in spite of the fact that the Circle Officer made a spot enquiry and found that ten persons have encroached the public road in question, has not taken any action till date.

It is submitted by Mr. S.D. Sanjay, learned Senior Counsel for respondent nos. 1 and 2 that they are authorized to construct and maintain national highways, but since they do not have any police force at their command, hence they are dependent upon local authorities for removal of encroachment.

Learned A.C. to S.C.-25 submits that the



Encroachment Case No. 01 of 2016-17 has already been initiated and notices have been issued to the persons, alleged to have encroached the public road in question.

In view of the fact that encroachment proceeding has already been initiated, it is expected from the Circle Officer, Sahebpur Kamal, respondent no.7 to take the proceeding of Encroachment Case No. 01 of 2016-17 to its logical conclusion, if the same has not been concluded as yet, 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 the affected persons in accordance with the provisions of Bihar Public Land Encroachment Act.

Accordingly, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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