

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17664 of 2016

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Vivek Kumar Sinha, S/o Shri Sarvadaman Kumar Sinha, resident of Mohalla-
Manpur Kumhartoli, P.O.- Buniyadganj, Ward No. 51, P.S.- Muffasil, District-
Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Superintendent of Police, Gaya.
4. The Sub Divisional Officer, Sadar Gaya, District Gaya
5. The Circle Officer, Manpur, District Gaya.
6. The Town Commissioner, Gaya Municipal Corporation.
7. Kamlesh Yadav @ Doman Yadav, S/o Late Shyam Mahto, resident of Mohalla-
Manpur Kumhartoli, P.O.- Buniyadganj, Ward No. 51, P.S. Mufassil, District-
Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Harsh Singh, Advocate

For the Respondent/s : Mr. Rabindra Kumar Priyadarshi, Advocate
Mr. Prabhat Kumar Verma, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 29-03-2017

Inter alia contending that Respondent No. 7 has



encroached upon a Government road by constructing an iron gate consequently obstructing the right to way of not only the petitioner but also of other citizens living in the area and inspite of representations made and after directions by the District Magistrate, Gaya to look into the matter, Sub Divisional Officer has not taken any action, this petition has been filed in public interest.

Keeping in view the grievance of the petitioner, we dispose of the writ petition in the following manner:-

On the petitioner filing a certified copy of this order along with relevant documents, Respondent No. 2, the District Magistrate, Gaya shall look into the grievance of the petitioner, entrust the matter to the Sub Divisional Officer, Respondent No. 4 with a direction to hear all concerned including Respondent No. 7 and pass an order with regard to the encroachment in question in accordance with law after following the due process within a period of 60 days from the date of receipt of a copy of this order. In case encroachment is found to be in existence after orders are passed, same should be removed following due process of law. The entire exercise in this regard should be completed within a period of 90 days subject, however, to the rights available to Respondent No. 7 to challenge the order that may be passed and any order passed in this regard by any higher Court or authority.



With the aforesaid, the writ petition stands disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	01.04.2017
Transmission Date	

