

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11746 of 2013

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Ashok Kumar Son Of Late Maheshwar Rai Resident Of Village -
Mahamadpur, Post - Pachara Nimahi, P.S. Bajpatti, District - Sitamarhi

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Collector - Cum - District Magistrate, Sitamarhi
3. The Sub - Divisional Officer, Pupari, Sitamarhi
4. The Block Development Officer, Bajpatti, Sitamarhi
5. The Circle Officer, Bajpatti, Sitamarhi
6. Sankar Mukhia Son Of Late Rameshwar Mukhia Resident Of Village -
Mahamadpur, Post - Pachara Nimahi, P.S. Bajpatti, District - Sitamarhi
7. Bikau Mukhia Son Of Sankar Mukhia Resident Of Village -
Mahamadpur, Post - Pachara Nimahi, P.S. Bajpatti, District - Sitamarhi
8. Bilash Paswan Son Of Phakira Paswan Resident Of Village -
Mahamadpur, Post - Pachara Nimahi, P.S. Bajpatti, District - Sitamarhi
9. Sukul Paswan S/O Late Phakira Paswan Resident Of Village -
Mahamadpur, Post - Pachara Nimahi, P.S. Bajpatti, District - Sitamarhi
10. Ram Prit Paswan S/O Late Phakira Paswan Resident Of Village -
Mahamadpur, Post - Pachara Nimahi, P.S. Bajpatti, District - Sitamarhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate
For the Respondent/s : AC to GA-1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-03-2017 Heard learned counsel for the petitioner and learned
AC to GA -1 for respondent nos. 1 to 5.

The present writ application has been filed for a direction to the respondent authorities to dispose of the representation of the petitioner, pending before respondent no.2 i.e. the Collector-cum-District Magistrate, Sitamarhi, which was submitted for removal of encroachment, made by respondent nos.



6 to 10, from the public road appertaining to Khata No. 432, Plot No.2209, situated at Mohamadpur, P.S.- Bajpatti, in the district of Sitamarhi.

It is submitted by learned counsel for the petitioner that the encroachment has been made on the public road running north to south. In south it connects Block – Bajpatti. The said road is abutting the plot of the petitioner appertaining to Khata No. 129, Plot No.2208, but the same has been encroached by respondent nos. 6 to 10 by erecting brick house and hut over the land, in question, impeding smooth flow of traffic.

The petitioner submitted representation before the Collector, Sitamarhi, and also before the Sub-Divisional Officer, Pupri, C.O., Bajpatti and Officer-in-charge, Bajpatti, on 08.04.2013 with a prayer for removal of the encroachment, made on the public road, in question, as contained in annexure 3 series. By way of reminder, the petitioner transmitted, through registered post, another representation to the Collector, Sitamarhi, on 29.04.2013, as contained in annexure-4, but till date the representation of the petitioner has not been taken into consideration.

It is surprising that the Collector, Sitamarhi, has not disposed of the representation of the petitioner claimed to have



submitted by the petitioner more than three years ago.

Learned counsel for the State submits that he has no instruction with regard to the alleged encroachment, whether it has been removed or not ?

Considering the rival submissions of the parties and the prayer made in the writ petition only to the extent of disposal of the representation, the writ application is disposed of with a direction to the Collector, Sitamarhi, to dispose of the representation dated 08.04.2013 submitted by the petitioner, after due consideration by a reasoned and speaking order within a period of six weeks from the date of receipt/production of a copy of this order.

Accordingly, the writ application is disposed of.

(Dinesh Kumar Singh, J)

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