

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6819 of 2016

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Mahesh Kumar Das, Son of Late Bachhe Lal Das, Resident of Village - Rampur (Sankaurth), Post office Rampur and Police Station Pandaul, District - Madhubani, Bihar Presently residing near Dumantha Mandir, Kotwali Chowk, Post office Bhauwara, Police Station Pandaul, District - Madhubani

... .. Petitioner/s

Versus

1. The State Government of Bihar through its Revenue Secretary, Government of Bihar, New Secretariat, Belly Road Patna, Bihar, Pin 800 001
2. The District Magistrate, Madhubani, Post & Police Station Madhubani, Bihar Pin- 847211
3. The Deputy Development Commissioner, District Ruler Development Authority, Near Parishad Bazar, Post & Police Station Madhubani, Bihar Pin- 847211
4. The Circle Officer, Pandaul, Post & Police Station Pandaul, District - Madhubani, Bihar
5. The Mukhiya, Village Panchayat Sankaurth, Post Office Rampur, Police Station Pandaul, District - Madhubani, Bihar
6. The Panchayat Sewak, Sankaurth Panchayat, Post office Rampur, Police Station Pandaul, District - Madhubani, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Das, Adv.
For the Respondent/s : Mr. Ravi Verma, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-02-2018 Heard learned Counsel for the petitioner and the respondent-State.

Though the Writ application was registered on 13.04.2016, but no counter affidavit has been filed till date, this Court is not inclined to adjourn the matter any further.

The present Writ application has been filed for the relief as stipulated in paragraph no.1 of the Writ application :-

“1. That the petitioner is in the



instant case prays for issuance of a Writ in the nature of mandamus commanding the respondents to ensure to vacate the encroached land consisting of Plots No.848, 857, 775, 735 and 693 (Old) which are meant for road purposes of the villagers of petitioner and further issuance of a Writ in the nature of mandamus commanding upon the respondents to direct the respondent authorities to not construct any road on private land which is under Khata No.94 (Old)/234 (new) consisting of plots no.896, 829, 852, 776 accordingly new plots no.1181, 1185,1379,1380,1398 in revenue Thana No.148, Pandaul Anchal, District: Madhubani.”

However, learned Counsel for the petitioner confines his prayer only to the extent for a direction to dispose of the representations dated 08.02.2016, as contained in Annexures-2 and 3, before the respondent nos.2 and 4, the District Magistrate, Madhubani and the Circle Officer, Pandaul, whereby, the prayer has been made for not constructing the public road on the raiyati land of the petitioner, appertaining to



Khata No. 94, Plot Nos. 896, 829, 852 and 776, situated in Village-Rampur, Circle + P.O.-Pandaul, District-Madhubani. Learned Counsel for the petitioner further submits that the public road is situated on Plot Nos. 848, 857, 775, 735 and 693, but the same has been encroached upon, hence, the public road is sought to be constructed on the raiyati land of the petitioner.

In the circumstances, it is expected from respondent no.4, the Circle Officer, Pandaul to dispose of the representation of the petitioner, dated 08.02.2016, as contained in Annexure-3, if need be after getting the land in question measured and after giving due notice to all affected persons, preferably within a period of eight weeks from the date of receipt/production of a copy of this order and do the needful accordingly.

The Writ application is, accordingly, disposed of with the observation aforesaid.

(Dinesh Kumar Singh, J)

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