

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10063 of 2015

Jaylal Sah

... .. Petitioner/s

Versus

The State Of Bihar & Ors

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pramod Rajpati

For the Respondent/s : Mr. AAG8- Gautam Bose

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 03-12-2018

Heard both sides.

The petitioner has filed this writ petition for a direction to the respondents for payment of compensation for encroachment of 5 decimals land of Plot No.233 and 234 of Khata No.171 situated in village Kutubpur, P.O.-Mansurpur, P.S.-Lalganj, District-Vaishali for construction of Gram Sarak Yojna.

Learned counsel for the petitioner submits that Gramin Sarak was constructed in the year 1998 and about 5 decimals of the land of the petitioner of Plot No.233 and 234 was encroached. The petitioner filed petition before the C.O. for encroachment of his land in the year 1998. The land was measured and the Anchal Amin submitted his report, Annexure-2. The petitioner also filed petition before the C.O., Vaishali and the Collector for removal of the encroachment on the land of the petitioner.



From perusal of Annexure-2, it appears that Anchal Amin measured the land of R.S.P. No.233 and 234 of Khata No.171 situated in village Kutubpur and found that on 0.5 decimal land of the petitioner, earth was filled along with the village road, but in the western side of village road of Plot No.670, the lands of Raiyat Abdul Rahman was situated and Abdul Rahman encroached 0.5 decimal land. Anchal Amin recommended for initiation of a proceeding for removal of encroachment. It appears that from the fact that no authority has encroached upon the land of the petitioner rather some earth on 0.5 decimal land of the petitioner was filled during the earth filling of the village road existing on plot no.670.

In this view of the fact, I direct the C.O. to dispose of the representation of the petitioner filed before him on 10.03.2014, Annexure-4 and if any part of the land of the petitioner is found amalgamated with Plot No.670 on which village road is existing, the same may be removed within four months from the date of receipt of this order.

With the aforesaid direction, this writ petition is disposed of.

Saurabh/-

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(Prabhat Kumar Jha, J)

