

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5434 of 2013

Shivnath Thakur S/O Shingashan Thakur Resident Of Village- Gudara, P.O-
Gudara, P.S- Majhulia, District- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Bettiah, District- West Champaran.
3. The Sub- Divisional Officer, Bettiah, District- West Champaran.
4. The Circle Officer, Majhulia, District- West Champaran.
5. Horil Yadav S/O Tapi Yadav Resident Of Village- Gudara, P.O- Gudara, P.S-
Majhulia, District- West Champaran.
6. Kishore Yadav S/O Indrasan Yadav Resident Of Village- Gudara, P.O-
Gudara, P.S- Majhulia, District- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh
For the Respondent/s : Mr. Kinkar Kumar, SC 9

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

5 02-11-2018 Heard learned Counsel for the petitioner and the
learned Counsel for the State.

Through this writ application the petitioner seeks
direction to the respondent authorities to remove encroachment
from the public road of Khesra No. 875, Khata No. 03, area 11
dhur, having been encroached by several persons.

It is contended on behalf of the petitioner that in fact
there was some order passed in the earlier proceeding in CWJC
No. 10397 of 2011 and direction was there for removal of
encroachment. However, since the encroachment was not being



removed, contempt application was filed and during pendency of the contempt petition only part of the encroachment was removed but the contempt proceeding was disposed of. Again the land has been encroached by several persons.

However, it is contended on behalf of the State that already an encroachment proceeding for removal of encroachment has been initiated, which has been registered and numbered as Encroachment Case No. 01 of 2015-2016.

Today we are in the year 2018 and there is no affidavit by the State that entire encroachment has already been removed.

In the aforesaid background of the matter, this Court would direct the District Magistrate, West Champaran, Bettiah, to take immediate steps for concluding the aforesaid case and removal of encroachment from the public land. This should be done within a period of two months from today, however, after reasonable opportunity to the concerned parties. The District Magistrate would further make an enquiry as to due to whose negligence the encroachment has resurfaced on the concerned public road which is meant for free flow of traffic and fix responsibility also. After removal of encroachment the District Magistrate should also fix responsibility as to who would be the authority to make strict vigil on the public land to ensure that



encroachment does not resurface again.

The writ application stands disposed of with the
directions as aforesaid.

(Dr. Ravi Ranjan, ACJ)

(Madhuresh Prasad, J)

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