

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3948 of 2018

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Sanjay Sharma, Son of Upendra Sharma, Resident of Village Jirauna, P.S.-
Kusheshwar Asthan, Dist- Darbhanga, at present residing in Village- Marra
Amar, P.S.- Rosera, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Samastipur.
2. The Divisional Commissioner, Darbhanga.
3. The District Magistrate, Samastipur.
4. The Sub Divisional Magistrate, Rosera, Dist- Samastipur.
5. The D.C.L.R. Rosera, Dist- Samastipur.
6. The Anchal Adhikari, Rosera, Samastipur.
7. Bhola Yadav, S/o Late Bhuwan Yadav, Resident of Village- Marra Amar, P.S.-
Rosera, Distt- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bhupendra Narain Sinha, Advocate Mr. Shailendra Kumar, Advocate
For the Respondent/s	:	Mr. Rishi Raj Sinha- SC19

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 14-09-2018

By this writ petition, under Article 226 of the Constitution of India, the petitioner has prayed for appropriate writ/order directing the respondent Nos.1 to 6 to remove encroachment made by respondent No.7 on P.W.D. Road as per the order passed by the DCLR, Rosera in Case No.94 of 2011 passed under the provisions of the Bihar Land Dispute Resolution Act, 2009 affirmed by the Divisional Commissioner, Darbhanga in Land Dispute Case No.396 of 2012 dated 16.12.2015.



A counter is filed on behalf of the respondents affirmed by the Circle Officer, Rosera in which it is stated that thrice the encroachment has been removed. However, again and again, temporary encroachment is made. It is stated that lastly, temporary encroachment made again has been removed on 27.08.2018 and instruction has been issued by the Circle Officer to the S.H.O. Rosera, to see to it that the encroachment is not re-surfaced again.

In view of the above, we dispose of the present petition with the observation that the concerned Circle Officer, Rosera to see to it that the encroachment in any form is not re-surfaced again.

With this, present petition stands disposed of.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.09.2018
Transmission Date	

