

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20008 of 2016

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Arjun Prasad Singh Son of Late Chhotu Singh Resident of Village - Agni, P.S.
- Belaganj, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Magadh Pramandal, Gaya.
3. The District Magistrate, Gaya.
4. The Secretary-cum-Deputy Development Commissioner, Zila Parishad, Gaya.
5. Surendra Yadav
6. Subodh Yadav
7. Binod Yadav All sons of late Munder Yadav Resident of village - Bajpura, P.S. - Belaganj, District - Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Advocate Mr. Arvind Kumar Sharma, Advocate
For the Respondent/s	:	Mr. Pratik Sinha, AC to GA V

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

14 05-07-2018

This public interest litigation has been filed by the petitioner and the grievance of the petitioner is that in Khata No.103, Plot No.93/407, area 63x 35 ft. situated in village Bajpura, P.S. Belaganj, District-Gaya, certain properties belonging to the Zila Parishad, Gaya have been encroached by the private respondents, particularly respondent nos.5, 6 and 7.

On notice being issued and after considering the counter affidavit it was found that there is encroachment in the area and, therefore, the respondents were directed to remove the encroachments. Accordingly, now from the 3rd supplementary



counter affidavit filed on behalf of respondent no.3 on 18.06.2018 and the averments made in paragraph 6 thereof, we find that the entire encroachment, as alleged in the writ petition, in the area in question has been removed.

That being so, for the present, with regard to the issue involved in the PIL, the matter stands concluded after removal of the encroachment. However, the Zila Parishad, Gaya to ensure that the encroachments do not resurface and action should be taken for removal of the encroachment.

Respondent Nos.5, 6 and 7 have filed a counter affidavit and they make an allegation that in the matter of removal of encroachment, a pick and choose method has been followed and in the area in question and its vicinity, there are more than 25 encroachers who have not been removed and learned counsel for the said respondents invites our attention to the order passed by us on 18.04.2018 to point out that the respondents have been targeted and in a discriminatory manner the other encroachers have not been removed.

That being so, respondent Nos. 5 to 7 are free to point out with specific details before the Circle Officer and the District Magistrate and we direct the Circle Officer and the District Magistrate to take steps in accordance with law.



Now at the instance of the respondent nos. 5 to 7 when they are encroachers before us, we are not inclined to pass any mandamus or a direction and, therefore, we grant them liberty to proceed in accordance with law, in case, they have any grievance with regard to discrimination in the matter of removal of encroachment.

With the aforesaid, for the present, finding no indulgence to be made, the matter stands disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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