

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14498 of 2018

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Sivrato Devi, W/o Ashok Kewat@ Ashok Chaudhary, R/o Village- Saidabad
Tola, P.S.- Shivsagar, District- Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Rural Development
Department, Govt. of Bihar, Patna.
2. The Secretary, Rural Development Department, Government of Bihar,
Patna.
3. The District Magistrate, Rohtas.
4. The S.D.M. Sasaram at Rohtas.
5. The Circle Officer, Shivsagar Circle, District- Rohtas.
6. Munna Singh Yadav, S/o Late Ganesh Singh Yadav, R/o Village-
Saidabad, P.S. - Shivsagar, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Murari Mishra
For the Respondent/s : Mr. Binod Kumar Sinha, AC to GP 8

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-07-2018 Heard learned counsels for the parties.

Since the writ application has been registered on
25.7.2018 and till date, no counter affidavit has been filed,
this Court is not inclined to adjourn the matter.

The nature of order this court intends to pass,
does not require issuance of notice to respondent no. 6.

The present writ application has been filed for a
direction to the Respondent authorities to dispose of the
application filed by the petitioner under Section 133 of
Cr.P.C. for the purpose of removing the encroachment from



the public land/road appertaining to Plot No. 327, situated in Mauza Saidabad in the district of Rohtas, as the same has been encroached upon by private Respondent no. 6, Munna Singh Yadav.

Learned counsel for the petitioner confines his prayer only to the extent that if he files an application for removal of encroachment before the appropriate authority, the same may be disposed of in accordance with law within a time frame. Learned counsel for the Respondent-State has no objection to such prayer of learned counsel for the petitioner.

In the circumstances, the petitioner is given liberty to submit a representation before the Respondent no. 5, the Circle Officer, Shivsagar within a period of three weeks from the date of receipt/production of a copy of this order with a prayer for removal of encroachment from the land in question and it is expected from the Respondent no. 5, the Circle Officer, Shivsagar to examine the revenue records and if it appears to him that the public road or its flanks have been encroached upon, then he will initiate a proceeding under the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the 'Act') forthwith and



will take the same to its logical conclusion within a period of three months thereafter, after giving due opportunity of hearing to all affected persons including Respondent No. 6 in accordance with the provisions of the Act.

This writ application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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