

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5680 of 2017

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Damodar Kumar Son of Prakash Mahto, Resident of Mohalla-Khandpar Ward
No. 16, P.s.District-Shekhpara.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Deputy land Reform Officer D.C.L.R. District-Sheikhpara.
3. The District Magistrate, D.M., District-Sheikhpara.
4. Mr. ramesh Kumar Son of Late Domu Mahto, Resident of Mohalla-Khandpar, P.s. and District-Sheikhpara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Satish Kumar
For the Respondent/s : Mr.Rishi Raj Sinha, SC-19
Ms. Archana Prasad

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-08-2019 The learned counsel for the petitioner submits that

admittedly the public *rasta* through which the petitioner has his

ingress and exist to his residence, has been encroached.

On the contrary, the Circle Officer, District-Sheikhpara, in his counter affidavit, has submitted that the detailed report has been submitted by the Anchal Amin dated 15.12.2016 and the same shows that partition has taken place in between the stakeholders and it has been mentioned that five ft. passage for ingress and egress shall be left open for all parties, however, one Ramesh Kumar has obstructed the said passage claiming the same to be his legally purchased land. However, no



document has been produced by him with regard to the same.

Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioner to approach the District Magistrate, Sheikhpura by filing appropriate representation within a period of four weeks from today, whereupon the District Magistrate shall, after giving notice to the said Ramesh Kumar, shall examine the entire matter and if it is found that the said *rasta* has been encroached and the said Ramesh Kumar does not have any valid document to prove his title over the same, the encroachment shall be removed forthwith.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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