

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1434 of 2019

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1. Binod Tiwary, S/O Late Mohan Tiwary.
 2. Pramod Tiwary, S/O Late Baliram Tiwary.
 3. Brajesh Kumar Singh, S/O Late Kalaktar Singh. All R/O Village-Teterdih, P.S.-Piro (Hasan Bazar), District-Bhojpur.

... .. Petitioners

Versus

1. The State of Bihar through the Collector-Cum-District Magistrate, Bhojpur at Ara.
2. The Sub Divisional Officer, Piro, Ara, Bhojpur.
3. The Circle Officer, Anchal -Piro, Distt-Bhojpur.
4. The Block Development Officer, Piro, Bhojpur.

....Respondents 1st Set.

5. Digvijay Singh, S/O Late Dharikshan Singh.
6. Ganpati Singh, S/O Murari Mohan Singh.
7. Daya Shankar Singh, S/O Digvijay Singh.
8. Ravi Shankar Singh, S/O Digvijay Singh. All residents of Village- Tetardih, P.S.-Piro (Hasan Bazar), District-Bhojpur.

... .. Respondents 2nd Set.

Appearance :

For the Petitioners	:	Mr. Ashok Kumar Singh, Advocate.
For the Respondents Ist Set	:	Mr.Subash Chandra Yadav, G.P. 15.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-01-2019 Heard learned counsel for the petitioners and learned
counsel for the respondents Ist set.

The following reliefs have been sought for by the
petitioners in the present writ application.

“1. That this is an application for issuance of a writ in the nature Mandamus, directing and commanding the respondent authorities Ist set to restrain the respondents 2nd set and other persons who illegally occupied the government land which was/is using for Aam Rasta as well as the outcome of the water flow situated at Mauza-Tetardih bearing Khata (Old)



63, Khata (New) 224, Khesra (Old) 407, Khesra (New) 758-757 appertaining an area (Old) 21 decimal and area (new)-06 decimal known as GairmajaruaAam/AnabadSarvasdharai. Further a direction to the respondents 1st set to remove the encroachment from the land in question after a measurement of the land from the Government Amin in presence of Circle Officer, Piro alongwith the police force because the respondents 2nd set being the men, money and muscles illegally encroached the Rasta as well as water flow of the villagers by constructing houses and objected illegally to the public servant for making a measurement of the land in question under the umbrella of political approach.”

The petitioners had filed public petition(s) before the respondent no. 3 The Circle Officer, Piro, Bhojpur, in respect of encroachment made by the private respondents upon the public land. Notices were issued on 21.05.2018 vide Annexure-4 to the present writ application by the respondent no. 3 The Circle Officer, Piro, Bhojpur upon the private respondents but no measurement could take place as the same was opposed by the private respondents alongwith others.

The petitioners are directed to file a fresh representation within a period of one month from today before the respondent no. 3 The Circle Officer, Piro, Bhojpur, in respect of encroachment made upon the public land. The



respondent no. 3 The Circle Officer, Piro, Bhojpur, after complying the provisions of law as provided under the Bihar Public Land Encroachment Act, shall initiate a proceeding, after giving an opportunity of hearing to all concerned parties, and pass an appropriate order under Section 6 of the Act within a period of three months from the date of filing of such representation.

With the aforesaid observations and directions, the present writ application stands disposed of.

(Sudhir Singh, J)

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