IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2910 of 2019

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1. Toophani Singh S/o Late Bishwanath Singh resident of Bharkhar P.O.- Raghunathpur, P.S- Brahmpur, District- Buxar
2. Antosh Kumar Ram Krishna Singh resident of Bharkhar P.O.- Raghunathpur, P.S- Brahmpur, District- Buxar
3. Hare Ram singh Dhrnod Singh resident of Bharkhar P.O.- Raghunathpur, P.S- Brahmpur, District- Buxar
4. Jitendra Kumar Pathak Late Sidhanath Pathak resident of Bharkhar P.O.- Raghunathpur, P.S- Brahmpur, District- Buxar

... ... Petitioners

Versus

1. The State of Bihar
2. Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna
3. Collector -cum- District Magistrate, Buxar.
4. Collector-Cum-Public Grievance Redressal Appellate Authority, Buxar.
5. Additional Collector, Buxar-cum-Public Grievance Redressal Officer, Dumraon, Buxar
6. Circle Officer, Brahmpur, Buxar

... ... Respondents

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Appearance :

For the Petitioner/s	:	Mr.Binod Kumar
For the State	:	Md. Khurshid Alam AAG-12
		Nutan Sahay, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 20-02-2019 Heard learned counsel for the petitioner and the State.

This writ application has been filed for the following relief:

> *"(1.) For order/orders, direction/directions to respondent authorities to ensure the proper flow for irrigation and cultivation by removing the encroachment from 'Auhar' and 'Bhind' which is being used for irrigation of Agricultural Land and other ancillary works of cultivation as well as storage of Rain water.*

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> *(2.) (I) For direction upon the respondent authorities specially Circle Officer, Brahmpur Buxar to remove the encroachment to ensure the proper flow of irrigation and cultivation removing the encroachment from 'Aahar' situated in R.S. Khata No. 172, Khesera No. (Plot No.) 535, 536, 619, 620, 1003, 632, 633 and 634 Purani Parti appertaining to C.S. Khata No. nor available at present and C.S. Plot no. 390 etc. It has become difficult to reach over land as encroachers are obstructing our path to our land within entitlement of Aahar.*
>
> *(ii) For implementation of their own order passed by the Collector, Buxar dated 15-09-2017 and 09-11-2017.*
>
> *(iii) For implementation of order dated 15-12-2018 passed by Additional Collector-cum-District Public Grievance Redressal Officer, Buxar.*
>
> *(iv) Any other relief or reliefs for which the writ petitioner found entitled".*

The petitioner had made an application under Bihar Right to Public Grievance Redressal Act, 2015. The said application was forwarded to the Circle Officer, Brahmpur, Buxar (respondent No. 6). The local Ameen submitted a report to the respondent No. 6 in respect of the encroachment, made by the private parties. The said report is part of Annexure-2 and, is at page-24 of the present writ application.

It has been submitted on behalf of the authority that as

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per the report, submitted by the local Ameen, part of the encroachment has been removed but still part of the encroachment, is yet to be removed.

Considering the aforesaid facts and circumstances, the petitioner is directed to file a fresh representation before the Collector-cum-District Magistrate, Buxar (respondent No. 3) giving all the details within a period of 30 days from today. The respondent No. 3 shall consider the said application/representation of the petitioner and pass appropriate order/s in accordance with law within a period of four months from the date of filing of such application/representation, after giving liberty to all the concerned parties.

With the aforesaid observation/direction, this writ application stands disposed of.

(Sudhir Singh, J)

A.K.V.//-

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