

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2948 of 2019

Vinay Kumar Yadav @ Vinay Kumar, aged about 66 Years (Male), Son of Late Anandi Prasad, resident of Village- Madanpur, Ward No. 14, P.O. P.S. and District- Madhepura. at present at Uteshra, Ward No.04, P.O.- Uteshra, P.S.- Salkhua, District- Saharsa.

... .. Petitioner

Versus

1. The State of Bihar through its Principal Secretary, Land Reforms Department, Govt. of Bihar, Patna.
2. The District Magistrate, Madhepura-cum-Public Grievance Redressal Cell Officer (Second Appellate Officer).
3. The Sub-Divisional Officer, Madhepura.
4. The Land Reforms Deputy Collector, Madhepura.
5. The Circle Officer, Madhepura.
6. The Sub-Divisional Public Grievance Redressal Cell Officer, Madhepura.
7. The Additional Collector Cum Public Grievance Redressal Cell Officer (First Appellate Officer).
8. The Executive Magistrate, Nagar Parishad, Madhepura.
9. Jageshwar Mandal, son of Khajuro Mandal.
10. Chandan Mandal, Son of Bhogi Mandal.
11. Janeswhar Yadav, Son of Mahavir Yadav.
12. Prarthna Kumari, Wife of Arbind Yadav.
13. Gori Rani Das, Wife of Anil Das.
14. Manoj Thakur, Son of Kamaleshwari Thakur.
15. Bhogi Mandal, Son of Ayhodhi Mandal.
16. Sahdeo Mandal, Son of Lalan Mandal.
17. Sagar Kumar, Son of Sanjay Rai.
18. Sanjay Rai, Son of Bhola Rai.
19. Lalan Kumar, Son of Ram Sagar Mandal.
20. Nipu Rai, Son of Suren Rai.
21. Suren Rai, Son of Sonelal Rai.
22. Nitesh Rai, Son of Ganesh Rai.
23. Mukesh Rai, Son of Late Ganesh Rai.
24. Rakesh Kumar, Son of Shambhu Mandal.
25. Shambhu Yadav, Son of Late Shiv Prasad Yadav.
26. Rekha Devi, Wife of Late Ramu Mandal.
27. Vikash Kumar, Son of Ramu Mandal.
28. Varaka Das, son of Anil Das.
29. Mina Devi, Wife of Dinesh Thakur.
30. Krishna Rani Das, Wife of Lalan Das.
31. Vikash Kumar Das, Son of Lal Das.
32. Ranju Devi, Wife of Kuppo Risideo.
33. Jivan Rai, son of Ramanand Rai.
34. Mithun Kumar, Son of Late Ramanand Rai.
35. Pritam Devi, Wife of Sunil Kumar.
36. Raghu Nandan Rai, Son of
37. Manoj Thakur, Son of Narayan Thakur.
38. Sunita Devi, Wife of Chan Kishor Yadav.
39. Upendra Thakur, Son of Brahmi Thakur.
40. Ashok Yadav, Son of Maheshwari Yadav.



41. Sita Devi, Wife of Suresh Kumar. All the private respondent nos. 9 to 41 are residents of Village- Madhepura, Ward No. 14, P.O. and P.S. and District- Madhepura.

... .. Respondents

Appearance :

For the Petitioner : Mr.Amar Nath Yadav, Advocate.
For the State : Mr.Raj Kishore Roy, G.P. 18.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-02-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The following reliefs have been sought for on behalf
of the petitioner present writ application.

“1(i) For issuance of a writ in the nature of mandamus for the direction/command of compliance the order dated 06.12.2017, passed by the Learned Sub Divisional Public Grievance Redressal Officer, Madhepura, in connection with Issue No. 51121-04421 which corresponding other Registration No. 51121011310-1701856 dated 13.10.2017, whereby and whereunder, learned Sub-Divisional Public Grievance Redressal Officer, Madhepura, held that altogether 32 persons i.e., Encroachers have encroached the public road and further directed to the Executive Officer, Nagar Parishad, Madhepura, to remove the encroachment from the said road within two months and informed him in that regard.

(ii) For issuance of a writ in the nature of mandamus for direction/command to the concerned respondents for compliance of the order dated 02.01.2018, passed by the Additional Collector-cum-First Appellate



Authority Public Grievance Redressal Officer, Madhepura, in connection with Issue No. 41111-04663 which corresponding Registration No. 511210113101701856/IA dated 09.12.2017 wherein, the First Appellate Authority affirmed the order dated 06.12.2017 passed by the Sub-Divisional Public Grievance Redressal Officer, Madhepura, no action in the way of removing the encroachment from the public road has been taken by the concerned authority.

(iii) For issuance of a writ in the nature of mandamus in order to command the concerned authority, specially the Circle Officer, Madhepura, for the compliance of order dated 18.04.2018, passed by the District Magistrate, Madhepura-cum-Second Appellate Authority Public Grievance Redressal Officer, Madhepura, in connection with Issue No. 41111-05315 which corresponding Registration No. 511210113101701856/2A in which, learned District Magistrate affirmed the orders dated 06.12.2017 passed by the Sub-Divisional Public Grievance Redressal Officer, Madhepura, and order dated 02.01.2018, passed by the Additional Collector-cum-First Appellate Authority Public Grievance Redressal Officer, Madhepura, and directed the concerned Circle Officer to remove the encroachment from the public road within one month from the date of the said order.

(iv) For issuance of an appropriate writ/writs, direction/directions commanding the respondents to remove the encroachers from the public road which has already been encroached by altogether 32 Encroachers.”



It is submitted by learned counsel for the petitioner that the petitioner had filed an application on 13.10.2017 before the respondent no. 6 i.e. The Sub-Divisional Public Grievance Redressal Officer, Madhepura for removal of encroachment from the public road. A report was also submitted in respect of encroachment made on the public road by the Government Amin before the respondent no. 8 i.e., The Executive Magistrate, Nagar Parishad, Madhepura. An order was also passed by the respondent no. 3 i.e., The Sub Divisional Officer, Madhepura. A direction was also made to the respondent no. 8 i.e., The Executive Magistrate, Nagar Parishad, Madhepura to remove the encroachment made on the public road. When no action was taken on the part of the respondents, an appeal was preferred before the respondent no. 7 i.e., The Additional Collector-cum-First Appellate Authority, Public Grievance Redressal Cell. When nothing was done on the part of the respondents, the petitioner preferred second appeal before the respondent no. 2 i.e., The District Magistrate-cum-Second Appellate Authority, Public Grievance Redressal Cell, Madhepura. In spite of the said order dated 18.04.2018, encroachment made on the public road has not been removed.

Considering the same, the petitioner is directed to file



a representation before respondent no. 2 i.e., The District Magistrate, Madhepura-cum-Public Grievance Redressal Officer (Second Appellate Officer) within a period of thirty days from today. The respondent no. 2 i.e., The District Magistrate, Madhepura-cum-Public Grievance Redressal Officer (Second Appellate Officer) shall consider the representation filed on behalf of the petitioner, after giving an adequate opportunity to all concerned parties, and pass final order in accordance with law 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.

U.K./-

(Sudhir Singh, J)

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