

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3935 of 2019

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Iliyas Mirza Son of Late Sakur Mirza, Resident of Village- Gangapur, P.S.-
Chainpur, District-Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate Cum Collector, Kaimur at Bhabua.
2. The Sub-Divisional Officer, Kaimur at Bhabua.
3. The D.C.L.R., Kaimur at Bhabua
4. The Circle officer, Block-Chainpur, District-Kaimur at Bhabua.
5. Bachchan Bind Son of Haricharan Bind, Resident of Village- Gangapur, P.S.-Chainpur, District-Kaimur at Bhabua

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Parwej Khan

For the Respondent/s : Mr.Subash Chandra Yadav (GP15)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-02-2019 Heard learned counsel for the petitioner and the State.

This is an application for issuance of writ of mandamus or any appropriate writ for commanding and directing the respondent No. 4 to remove encroachment over the government land which is public road bearing Khata No. 101, Khesera No. 145, area measuring 0.35 decimal, Nature of land Road, situated at Mauza Gangapur, Revenue Thana No. 181, P.S. Chainpur, District Kaimur at Bhabua, which has been forcefully encroached by respondent No. 5 in connivance with respondent No. 4 and the same is used by villagers for coming and going out of the village and upon which respondent No. 5



has forcefully captured and is constructing house and cattle house and also issuance of writ in the nature of mandamus directing the respondent No. 4 as well as other respondents No. 1 to 3 to make vacant the land in question which is public road and/or for direction of any other writ(s)/order(s)/direction(s) for which the writ petitioner is legally found entitled in the light of facts and circumstances of the case.

In pursuance to the relief sought for in the present writ application, the petitioner had filed a representation before the Circle officer, Block-Chainpur, District-Kaimur at Bhabua (the respondents No. 4) and the District Magistrate Cum Collector, Kaimur at Bhabua (respondent No. 1) but the matter is kept pending and no proceeding has been drawn for removing the encroachment made by respondent No. 5.

Learned counsel for the petitioner is directed to file a fresh representation/application before the District Magistrate Cum Collector, Kaimur at Bhabua (respondent No. 1) who shall look into the grievance of the petitioner and pass a final order under Section 6 of the Bihar Public Land Encroachment Act, 1956 after complying with the provisions as laid down under Sections 3, 4 & 5 of the Act. Further the said respondent shall also give liberty of hearing to all the concerned parties before



passing the final order/s.

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

(Sudhir Singh, J)

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