

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3559 of 2019

Madan Dixit, aged about 57 Years, Male, S/o Late Jagdish Narayan Dixit @ Jagdish Dixit, resident of village-Inderpatti, Post- Samria, Block-Panchdevri, P.S.- Kateya, Distt.-Gopalganj.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms Department, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Saran, Distt.-Chapra.
3. The District Magistrate, Gopalganj.
4. The Additional Collector, Gopalganj.
5. The S.H.O., Hathua, Gopalganj.
6. The Circle Officer, Panchdevri, District- Gopalganj.
7. The Revenue Karamchari, Panchdevri, District- Gopalganj.
8. Krishnawati Devi, aged about 50 Years, Female, W/o Vijaymal Sonar.
9. Vijaymal Sonar, aged about 55 Years, Male, S/o Late Sitaram Sonar.
10. Anil Sonar, aged about 24 Years, Male, S/o Vijaymal Sonar.
11. Sugreev Sonar, aged about 22 Years, S/o Vijaymal Sonar.
12. Rahul Sonar, aged about 19 Years, Male, S/o Vijaymal Sonar.
13. Pramod Sonar, aged about 21 Years, S/o Vijaymal Sonar. All serial nos. 8 to 13 are resident of village-Inderpatti, Post.-Samria, Block-Panchdevri, Distt.-Gopalganj.

... .. Respondents

Appearance :

For the Petitioner : Mr.Harendra Prasad, Advocate.
For the State : Mr.Rishi Raj Sinha, S.C. 19.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-02-2019 Heard learned counsel for the petitioner and learned counsel for the State.

The following relief has been sought for on behalf of the petitioner in the present writ application.

“1. For an order/direction to the respondents for removal of encroachment from the land and Inar (well) situated at Village-Inderpatti, Anchal-Panchdevri, Thana No. 429, Khata No. 86 and Khata No. 87, Khesra Nos. 118, 119, Area 16 Dhur and 1



Katha 18 Dhur which has been encroached by the respondent nos. 8 to 13 restraining the right of petitioner and other villagers for the enjoyment of the public passage and Inar (well) and also to save the said public property from the encroachers as per the law.”

It is submitted by learned counsel for the petitioner that the petitioner had filed second appeal in respect of his grievance before the respondent no. 3 i.e. The District Magistrate-cum-Second Appellate Authority, Gopalganj, vide Annexure-4 to the present writ application. A direction was also given by the respondent no. 3 i.e. The District Magistrate-cum-Second Appellate Authority, Gopalganj to respondent no. 6 i.e., The Circle Officer, Panchdevri, Gopalganj, to make an enquiry and thereafter if required, alleged encroachment be removed. In spite of that, no action has been taken on the part of respondent no. 6 i.e. The Circle Officer, Panchdevri, Gopalganj. Petitioner again filed a representation on 03.12.2018 before the respondent no. 3 i.e. the District Magistrate, Gopalganj.

The respondent no. 3 i.e. the District Magistrate, Gopalganj, is directed to look into the matter and pass necessary direction for removal of encroachment on the public land. The respondent no. 6 i.e., the Circle Officer, Panchdevri, Gopalganj, shall comply with the order passed by the respondent no. 3 i.e.



the District Magistrate, Gopalganj, and pass final order in accordance with law after giving an adequate opportunity to all concerned parties.

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

(Sudhir Singh, J)

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