

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7199 of 2019

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Ramsewak Yadav Son of Late Babu Lal Yadav, Resident of Village- Jakhar,
Tole- Ward No.2, Bandh Dhelhi, P.S.- Rosera, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary Revenue Department, Government of Bihar.
2. The District Magistrate, Samastipur, Bihar.
3. The Sub-Divisional Officer, Rosera, District- Samastipur.
4. The Circle Officer, Shivaji Nagar, District- Samastipur.
5. Neha Devi, W/o Rajkumar Rai, Mukhiya of Jakhar Panchayat. Vill- Jakhar, P.S.- Rosera, District- Samastipur.
6. Ramesh Yadav, Son of Late Damodar Yadav, Resident of Village- Jokhar, Tole- Dhelhi, P.S.- Rosera, District- Samastipur.
7. Ramchandra Yadav, Son of Late Rajpal Yadav, Resident of Village- Jokhar, Tole- Dhelhi, P.S.- Rosera, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shyam Kishor Das
For the Respondent/s : Mr.Subash Chandra Yadav (Gp15)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 09-04-2019 Heard learned counsel for the petitioner and the

counsel appearing on behalf of the State.

The grievance of the petitioner in the instant case is reluctance on the part of the respondents in taking action of removing encroachment over the public road.

Learned counsel for the petitioner submits that Khata no. 3558 is shown as public road in survey Khatian. Respondents have not removed encroachment.

Learned counsel further that the authorities are not



taking steps to remove encroachment.

Without going into the merit of the case whether the land in question is public road or whether there exist encroachment or not, the present application is disposed of with direction to the respondents to examine the claim of the petitioner in accordance with law and pass appropriate order on the petition filed by the petitioner and if it is found that the land in question is a public land and there is encroachment over such land, the authority particularly respondent no.4 shall take appropriate decision for removal of encroachment by giving opportunity of hearing to all persons likely to be affected adversely.

Decision on removal of encroachment may be taken at the earliest.

With the aforesaid, the present application stands disposed of.

(Anil Kumar Upadhyay, J)

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