

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2229 of 2017

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1. Litera Valley School, Bhagwat Naagar, Naya Tola, Kumhrar, P.S. Agamkuan, District - Patna represented through its Director, Amit Prakash, S/o Late Ram Niwas Singh, Resident of Mohalla - A/9P.C. Colony, P.S. Kankarbagh, District - Patna
 2. Arun Kumar Sinha, S/o Late Bhagwat Prasad, resident of Bhagwat Naagar, Naya Tola, Kumhrar, P.S. Agamkuan, District - Patna
 3. Tarun Kumar Sinha, S/o Late Bhagwat Prasad, resident of Bhagwat Naagar, Naya Tola, Kumhrar, P.S. Agamkuan, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar represented through the Principal Secretary, Department of Road Construction, Government of Bihar, Patna
2. The Principal Secretary, Department of Road Construction, Government of Bihar, Patna
3. The District Magistrate, Patna
4. The Sub Divisional officer, Patna
5. The Circle officer, Patna Sadar, District Patna
6. Sri Badri Prasad Yadav, S/o Late Yamuna Prasad Yadav,
7. Sri Ramji Yadav, S/o Late Yamuna Prasad Yadav,
8. Shyam Yadav, S/o Late Yamuna Prasad Yadav,
9. Shyam Bihari Yadav, S/o Late Yamuna Prasad Yadav, All these persons are residents of Bhagwat Naagar, Naya Tola, Kumhrar, P.S. Agamkuan, District - Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Avinash Kumar
For the Respondent/s : Mr. Raj Ballabh Pd. Yadav- AAG11

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

13 04-01-2019 Heard learned counsel for the petitioners and learned counsel for the State are present.

Following relief has been sought for on behalf of the petitioners in paragraph 1(a) of present application:

“For issuance of appropriate writ/writs, direction/directions in the nature of mandamus or writs, order or orders for directing the respondents to initiate removal of encroachment proceedings



to get the encroachment removed, which is said to have been made by the Respondents 2nd set over the public road connecting the Kankarbagh Main Road (old By-pass) through Naya Tola, Kumhrar to New By-Pass, Patna situated over Mauja- Kumhrar, Thana no. 12, Khata no. 577 and 495, Khesra nos. 27, 26, 731, 25/1581 and 128, as per the report of the Revenue Karmchhari, by constructing a house particular at the turning point leaving it as accident prone, which consequently, very often occasions traffic jam, by causing great hindrance in free flow of the traffic as well as school buses including fire brigades and other essential services to reach at the place, where services of the kinds are necessitated in the case of emergencies/exigencies, affecting their valuable right protected under the law”.

From perusal of the order dated 30.01.2018, it is evident that on the part of the lands of plot nos. 732, 25/1581 and 26, jamabandi had been created vide Mutation Case No. 443/1980-81, 660/4 of 2012-13, 931/4 of 2014-15 and 384 of 2012-13. As far as plot nos. 27 and 128 are concerned, no jamabandi was created in favour of any person and the aforesaid plots in question are public land.

Since the aforesaid lands were public land, direction was issued by order dated 30.01.2018 for removal of the



encroachment on the aforesaid plots. An Encroachment Case No. 10/2016-17 was also initiated for removal of the encroachment in question by the Circle Officer, Patna Sadar, Patna. A report has been submitted on behalf of the respondents that the encroachment from the plot nos. 27 and 128 has already been removed. Thus, compliance of order dated 30.01.2018 has already been made and no further substantive relief is to be granted to the petitioners.

Accordingly, the present application stands disposed of as the grievance of the writ petitioner is redressed.

(Sudhir Singh, J)

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