

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18992 of 2013

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Nursaida Khatoon, wife of Firoz Ansari, Resident of village-Shastri Nagar,
Police Station- Bagaha, District- West Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Home, Patna
2. The District Magistrate, West Champaran at Bettiah
3. The Sub-Divisional Officer, Bagaha, West Champaran
4. The Superintendent of Police, Bagaha, West Champaran
5. The Circle Officer, Bagaha, West Champaran
6. Ram Chandra Khatik, son of late Shilochan Khatik, resident of village- Shastri Nagar Ward No. 15,P.S.Bagaha, District- West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhanendra Chaubey, Advocate
For the Respondent/s : Mr.Harendra Pd. Singh,Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 30-04-2019 Heard learned counsel for the petitioner and the State.

The petitioner is aggrieved by the inaction on the part of the respondents for not removing the encroachment over the public road.

Learned counsel for the petitioner submits that the the Circle Officer has already passed order of removal of the encroachment but till date the encroachment has not been removed.

Learned counsel for the private respondent submits that on account of the fact that title suit between the parties is



already pending, the encroachment could not be removed.

Without going into the aforesaid aspect of the matter, the writ petition is disposed of with liberty to the petitioner to file petition in prescribed form for registering a regular case and if such petition is filed by the petitioner the Circle Officer shall register a case for removal of encroachment after hearing all concerned including the encroachers pass appropriate order on the following issues:

- (a) whether the land in question is public land, and
- (b) whether there is encroachment over the public land.

The Circle Officer will give notice to the encroachers for removal of the encroachment and after hearing them pass necessary order for removal of encroachment.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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