

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10923 of 2019

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Wokil Prasad Yadav, Son of Saryug Prasad Yadav, Resident of Village-
Baluachak, P.S.- Jagdishpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Bhagalpur.
3. The S.H.O., Sadar Bhagalpur.
4. The Anchal Adhikari, Jagdishpur, District- Bhagalpur.
5. Jageshwar Mandal, Son of late Ramchu Mandal, Resident of Village-
Baluachak, P.S. Jagdishpur, District- Bhagalpur.
6. Sobhan Mandal, Son of name not known, Resident of Village- Baluachak,
P.S. Jagdishpur, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh, Advocate
For the Respondent/s : Mr. Raj Kishore Roy, GP-18

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 14-05-2019 Heard learned counsel for the petitioner and the State.

2. Learned counsel for the petitioner with reference to Annexure-2 submits that in a proceeding for removal of encroachment over public road, the Sub-Divisional Magistrate (Sadar), Bhagalpur has passed order on 03.03.2017, but till date no action has been taken by the Circle Officer, Jagdishpur.

3. In the peculiar facts situation, the Court fails to understand why cases are coming to the Court where the appropriate authority has to take action in accordance with law, it is either attributed to total inaction on the part of the authority



exercising jurisdiction under Section 133 Cr.P.C. or on account of lack of will power.

4. In view of the fact that Annexure-2 is the decision of Sub-Divisional Magistrate (Sadar), Bhagalpur, the writ application is disposed of with a direction to the Sub-Divisional Magistrate (Sadar), Bhagalpur to take appropriate action in furtherance of order dated 03.03.2017 and remove the encroachment over public road at the earliest preferably within a period of 60 days from the date of receipt/production of a copy of this order after giving opportunity to the alleged encroachers.

5. With the aforesaid, this application stands disposed of.

(Anil Kumar Upadhyay, J)

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