

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1073 of 2017

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Arun Kumar Jha Son of Late Shiv Narayan Jha, Resident of Village-
Kaithwar Tole, Baidyanathpur, P.S. Sakatpur, District Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Collector, Darbhanga.
3. The Land Reforms Deputy Collector, Sadar, Darbhanga.
4. The Circle Officer, Tardih, P.S. Sakatpur, District- Darbhanga.
5. Chandra Mohan Jha, Son of Late Mahendra Jha, resident of Village Kaithwar, Tole Baidyanathpur, P.S. Sakatpur, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kripa Nand Jha, Adv.
For the Respondent/s : Mr.Sajid Salim Khan -SC-25

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 29-08-2019 The present writ petition has been filed seeking the

following reliefs:

*“(i) for issuance of appropriate
direction, order or writ in the nature of
mandamus commanding of respondents to
remove the encroachment from the public
road and pond bearing S.P. No.2433(old)
1900(new) in Khata No.1587 and S.P.
No.2423 and 2432(old) under Khata
No.1407 situated in village Kaithwar, Tole
Baidyanathpur, under Tardih Block of
Darbhanga district, specially taking into
consideration that in spite of order by the
higher authority to remove encroachment*



from the said plots, it has not been acted upon due to connivance and callousness of the officer concerned.

(ii) for holding and declaring that no person is authorize to make any encroachment over a public road, pond and land specially taking into account the latest judgment of the Hon'ble Supreme Court reported in 2016 (3) PLJR 268(SC).”

2. The respondents, in pursuance of the earlier order of this Court dated 19.04.2019 have filed a supplementary counter affidavit wherein in paragraph no.8, it has been stated that Khata No.1588, plot no.2432, 2433(O), 1899 (N), Area 0.4 decimal in Mauza-Kaithwar, is recorded in the name of Anavad Sarv Sadharan having its nature as road.

3. It is further stated in the said supplementary counter affidavit in paragraph no.9 that as per report of A.C., Darbhanga, Chandra Mohan Jha has encroached some part of plot no.1900, whereas some portion of plot no.1899 has been encroached by Chandra Mohan Jha and Md. Usman.

4. The learned counsel for the petitioner submits that now it is admitted by the authority that encroachment has been made over a public road, public pond/land, hence direction be issued for removal of the same.

5. Having regard to the facts and circumstances of



the case, District Magistrate, Darbhanga is directed to remove the aforesaid encroachment, after due notice to the encroacher within a period of eight weeks of receipt/production of a copy of this order in accordance with law.

6. The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J.)

Prakash Narayan

