

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19071 of 2018

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Tripurari Prasad Singh son of Late Yamuna Prasad Singh, resident of Village-Jaitpur, Police Station- Barahiya, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector/District Magistrate, Lakhisarai.
3. The Sub-Divisional Magistrate, Lakhisarai.
4. The Circle Officer, Barahiya, Lakhisarai.
5. The Chief Engineer, Gramin Karya Vibhag, Patna.
6. The Superintending Engineer, Gramin Karya Vibhag, Munger Anchal, Munger.
7. The Executive Engineer, Gramin Karya Vibhag, Karya Pramandal Sheikhpura, Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Mohan
For the Respondent/s : Mr.Pushkar Narain Shahi,AAG-6

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 16-07-2019 The present writ petition has been filed to remove the road/construction of Kamarpur to Barahiya Road via Nathanpur through the lands of the petitioner situated in village-Jaitpur, P.S. Barahiya, District-Lakhisarai appertaining to Mauja-Nathanpur, Thana No. 180, Khata No. 91, Khesra No. 998 having area of 2.35 acres, over which the petitioner has been conducting agricultural activities and the same is the only source of livelihood of the petitioner herein.

A counter affidavit has been filed on behalf of the respondent nos. 1, 5, 6 and 7 and in paragraph no. 12 thereof, it



has been stated as follows:-

“That accordingly the Executive Engineer, RWD, Works Division, Lakhisarai on 14.11.2015 got removed the portion of the road on the land of the petitioner and the same has been reported to the District Magistrate, Lakhisarai vide letter no. 1640 dated 21.11.2015.”

Having regard to the statement made by the learned counsel for the respondents in the counter affidavit that the portion of the road, constructed, on the land of the petitioner has been removed, hence no encroachment prevails, it is held that now the land of the petitioner, as aforesaid, is free of any encroachment and the petitioner is free to cultivate the same. It is further held that in case of any interference, henceforth, with peaceful cultivation of the said land by the petitioner herein, the District Magistrate, Lakhisarai shall be held responsible and this Court would take penal action against him.

With the aforesaid direction, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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