

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22949 of 2018

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1. Hari Shankar Ray Son of Late Shivpujan Ray
 2. Gopal Rai, Son of Late Baleshwasr Rai.
 3. Pradeep Rai, Son of Late Deenath Rai
All Residents of Village- Chhitarwalia, P.O- and P.S.- Ekma, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Collector, Saran at Chapra.
2. The District Collector, Saran at Chhapra.
3. The Sub Divisional Officer, Sadar, Saran at Chhapra.
4. The Circle Officer, Ekma Block, District- Saran.
5. The Officer-in-charge, Ekma Police Station, District- Saran.
6. The Panchayat Secretary, Bind Lal Ka Rampur Panchayat, Ekma, Saran.
7. Sri Ram Bharosha Rai, Son of Late Baijnath Rai
8. Sri Chandan Rai Son of Late Chandradeo Rai.
9. Sri Daroga Rai, Son of Late Chandradeo Rai,
All Resident of Village- Chhitarwalia, P. O. and P.S.- Ekma, District- Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dr. Harendra Kumar Singh
For the Respondent/s : Mr.Sajid Salim Khan -SC25

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-02-2019 Heard learned counsel for the petitioners and the

State.

In this writ application, the petitioners have prayed for
following reliefs:

(I) For issuance of an order/direction or an appropriate
writ including the writ of mandamus commanding the
respondents to provide immediate approach road to the
petitioners' house by removing encroachment from the Public



Road Survey Plot No. 1052.

(ii) For issuance of an order, direction or an appropriate writ to the respondents to save the public road from encroachment by giving smooth vehicular approach to the petitioners' house.

(iii) For issuance of an order, direction or an appropriate declaration holding that the respondents have to safeguard the interest of society by removing the encroachment.

(iv) For any other relief or reliefs for which the petitioners may be found entitled in the facts and circumstances of this case”.

On the earlier occasion, the petitioners had filed a representation before the Respondents No. 2 & 4 for removal of the encroachment from the public road but till date, no action has been taken by the respondents.

The petitioners are directed to file a fresh representation/complaint before the Circle Officer, Ekma Block, District- Saran (respondent No. 4) who shall consider the representation/complaint of the petitioners and pass appropriate order/s in accordance with law after giving opportunity of hearing to all the necessary parties within a period of four months from the date of filing of representation/complaint. The



respondent No. 4 shall ensure that before passing of order under Section 6 of the Bihar Land Encroachment Act, 1956 the compliance of the provisions laid down under Sections-3, 4 & 5 of the Act is made.

With the aforesaid observation/direction, this writ application stands disposed of.

(Sudhir Singh, J)

A.K.V.//-

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