

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17437 of 2018

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Maheshwar Ray Son of Hazari Ray, Resident of Village- Baghari, P.S.-
Runnisaidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
 2. The Principal Secretary, Revenue and Land Reforms Department, Bihar,
Patna.
 3. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
 4. The District Mahistrate-cum-Collector, Sitamarhi.
 5. The Sub-Divisional Officer, Sitamarhi Sadar, Sitamarhi.
 6. The Deputy Collector, Land Reforms, Sitamarhi Sadar, Sitamarhi.
 7. The Additional Collector, the Public Grievance Forum, District- Sitamarhi.
 8. The Sub Divisional Grievance Officer, Sitamarhi Sadar, Sitamarhi.
 9. The Circle Officer, Runnisaidpur, District- Sitamarhi.
 10. Bijuli Rai,
 11. Kishori Rai, Both Sons of Late Hitlal Rai,
 12. Sippi Rai, Son of Late Jagdish Rai.
- Respondents no. 10 to 12 are resident of Village- Baghari, P.S.-
Runnisaidpur, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar
For the Respondent/s : Mr.Partha Sarthi -Ga4

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-01-2020 The petition filed on 29.08.2018 is listed for hearing
for the first time today before the Court.

Heard learned counsel for the petitioner and learned
counsel for the respondents.

Petitioner has prayed for the following relief:



“(i) For issuance of direction commanding the respondent to remove the encroachment from public road situated at Mauza Baghari, thana no. 78 Khata No. 4839, plot no. 8680 Area 2.8 acres having dimension 70 curry long and 40 curry width has been encroachment by respondents no. 10 to 12 in different ways.

(ii) For issuance of direction commanding the respondent to initiate departmental proceeding against respondent Circle Officer, who had wrongly reported before the District Magistrate, Sitamarhi-cum-second appellate authority, Public Grievance Forum, Sitamarhi stating that the encroachment made by respondents no. 10 to 12 has been removed on 25.11.2017 though still today the encroachment is available on the road.”

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the concerned respondents to consider and decide the representation, which the petitioner shall be making afresh within a period of four weeks from today.

Learned counsel for the State states that upon receipt of such request, if any, the same shall be dealt with in accordance with law, expeditiously and positively within a period of three months from the date of receipt thereof.

Equally, liberty is reserved to the petitioner to take



recourse to such alternative remedies as are otherwise available
in accordance with law.

We are hopeful that as and when petitioner takes
recourse to such remedies, as are otherwise available in law,
before the appropriate forum, the same shall be dealt with, in
accordance with law and with reasonable dispatch.

The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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