

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19737 of 2018

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Urmila Devi Wife of Lakhan Mahto, Resident of Village- Bhaluki, P.S.- Pakri Barawan, District- Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
 2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
 3. The District Magistrate-cum-Collector, Nawada.
 4. The Superintendent of Police, Nawada.
 5. The Land Reforms Deputy Collector, Nawada.
 6. The Sub-Divisional Officer, Nawada Dist. Nawada.
 7. The Anchal Adhikari, Pakari Barawan, P.S.- Pakri Barawan, District- Nawada.
 8. The Officer-in-Charge S.H.O., Pakari Barawan, Police Station, District- Nawada.
 9. The Sarpanch, Gram Panchayat Raj, Aruri, P.S.- Pakari Barawan, District- Nawada.
 10. The Mukhia, Gram Panchayat Raj Aruri, P.S.- Pakari Barawan, District- Nawada.
 11. Keshar Pandit, S/o Late Bhatu Pandit,
 12. Chhotan Pandit, S/o Late Bhatu Pandit,
 13. Pushpa Kumari, Wife of Sri Dhanu Pandit, the Daughter-in-Law (Putrabadha) of Keshar Pandit (Respondent no.11),
 14. Rita Devi, Wife of Sri Karu Pandit, The Daughter-in- Law (Putrabadhu) of Chhotan Pandit, (Respondent no.12),
- All respondent no. 11 to 14 are resident of Village- Bhaluki Gram Panchayat Raj Aruri, P.S.- Pakri Barawan, District- Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shambhu Sharan Singh
For the Respondent/s : Mr.Md. Khurshid Alam- Aag12

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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 01.10.2018 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 reliefs:

“(i) Re-removal of encroachment from the public land as Aam Rasta upon Khata No. 711, Khesra No. 7185, Area of Decimal where from encroachment was already removed by order dated 28.01.2017 passed by Sub Divisional Lok Shikayat Niwaan Office, Nawada vide letter no. 40 dated 27.01.2017, the Circle Officer, Pakari Barawan, after a long time legal proceeding of encroachment under Lok Shikayat Niwaran, on public complaint dated 22.06.2015 made by the villagers of Bhaluki and later on due to otherwise again the local authorities have issued Basgit Purcha on the same public land Aam Rasta of villagers treating the landless person to the respondent nos. 13 to 14 who are the daughter-in-law (Putrabadhu) of the respondent nos. 11 and 12 respectively who having the Khatiyani land with house in South of the Aam Rasta description thereof is Khata No. 431 Khesra No. 7184, Area 20 decimal with Pukka house with boundry as North-Aam Rasta (the public land-in-question), South-Gopi Kumar, East Shibu Mahto and West Pakki Sadak (road) as such the Basgit Parcha issued in the name of respondent no. 13 and 14 be treated as void documents and issuing authority regarding Basgit Purcha on Aam Rasta (Public land) aforementioned knowingly and deliberately may



kindly be punished in the interest of justice with sufficient fine for misuse of power delegated to them.

(ii) For other relief/reliefs as your Lordships may be deem fit and proper, if possible direct the respondent concerned to stop the construction going on upon the Aam Rasta in question with the use of Mussalsamn which is shown in the photograph Annexure-14 series.”

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)

sujit/-

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