

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23636 of 2018

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Uday Narayan Chaudhary Son of Ram Bali Chaudhary Resident of Village
and P.O.- Pohaddi, P.S.- Bahera, District - Darbhanga

... .. Petitioner

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Department of Revenue, Government of Bihar, Patna
3. The Commissioner Darbhanga
4. The District Magistrate Darbhanga, District - Darbhanga
5. The Sub Divisional Officer Benipur, District - Darbhanga
6. The Block Development Officer Benipur, District - Darbhanga
7. The Circle Officer, Benipur Anchal, District - Darbhanga
8. Baidyanath Chaudhary Son of Late Ugra Narayan Chaudhary
9. Ram Punit Chaudhary Son of Late Rajendra Chaudhary
10. Harish Chandra Chaudhary Son of Late Durga Narayan Chaudhary
11. Jogi Chaudhary Son of Late Sita Ram Chaudhary
All residents of Village and P.O.- Pohaddi, P.S.-Bahera, District Darbhanga

... .. Respondents

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Appearance :

For the Petitioner : Mr.Md. Anis Akhtar, Advocate
For the Respondents : Mr. AC to GA 1

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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 07.12.2018 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:



“A. For issuance of an appropriate writ order or direction for directing the respondent authorities to remove the encroachment made by private respondent with respect to public road measuring an area of 21 decimals under Khata No. 785 (old 2438), Khesra No. 4291 (old 1867), situated at village & P.O. Pohaddi, P.S- Bahera District Darbhanga.

B. For issuance of an appropriate writ order or direction commanding the respondents to initiate a proceeding in accordance with law and then remove the encroachment made by private respondents with respect to public road measuring an area of 21 decimals under Khata No. 785 (old 2438), Khesra No. 4291 (old 1867), situated at village & P.O. Pohaddi, P.S- Bahera District Darbhanga which is admittedly a public road.

C. For issuance of any other appropriate writ, order or direction which is deem fit and proper in the facts circumstances of the case.”

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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