

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2828 of 2020

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1. Ravi Shankar Singh Son of Sri Ramanand Singh, resident of Village- Mayapur, P.o. and P.s.- Fatehpur, District- Gaya
 2. Akhilesh Kumar son of Sri Ramdeep Singh resident of Village- Mayapur, P.o. and P.s.- Fatehpur, District- Gaya
 3. Anil Singh son of Late Krishnadeo Singh resident of Village- Mayapur, P.o. and P.s.- Fatehpur, District- Gaya
 4. Dhananjay Singh son of Late Rambriksh Singh, resident of Village- Mayapur, P.o. and P.s.- Fatehpur, District- Gaya
 5. Mithlesh Singh, son of Sri Ramdeep Singh resident of Village- Mayapur, P.o. and P.s.- Fatehpur, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna
2. The District Magistrate, Gaya
3. The Sub Divisional Officer , Sadar, Gaya
4. The Circle Officer, Fatehpur, Gaya
5. Indar Singh @ Indrajit Singh son of Late Jagdish Singh, resident of Village- Mayapur, P.o. and P.s.- Fatehpur, District- Gaya
6. Kapil Singh son of Late Parmeshwar Singh, resident of Village- Mayapur, P.o. and P.s.- Fatehpur, District- Gaya
7. Manohar Singh son of Late Parmeshwar Singh, resident of Village- Mayapur, P.o. and P.s.- Fatehpur, District- Gaya
8. Naresh Singh son of Late Haro Singh, resident of Village- Mayapur, P.o. and P.s.- Fatehpur, District- Gaya
9. Jairam Singh son of Late Haro Singh resident of Village- Mayapur, P.o. and P.s.- Fatehpur, District- Gaya
10. Dinesh Singh son of Late Yamuna Singh resident of Village- Mayapur, P.o. and P.s.- Fatehpur, District- Gaya
11. Surendra Singh son of Late Chamari Singh resident of Village- Mayapur, P.o. and P.s.- Fatehpur, District- Gaya
12. Mahesh Singh son of Late Chandrika Singh resident of Village- Mayapur, P.o. and P.s.- Fatehpur, District- Gaya

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shailesh Kumar
For the Respondent/s	:	Mr.Rishi Raj Sinha (Sc19)



**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-02-2020 Heard learned counsel for the petitioners and learned
counsel for the respondents.

Petitioners have prayed for the following reliefs:-

“(i) For issuance of a writ of mandamus for direction to the respondents authorities to remove the encroachment from the public road being R.S.Khata No. 87, R.S.Plot No. 435 & 181 area 0.20 acre and 0.04 acres respectively situated at Mauza-Mayapur, thana no. 499, District-Gaya which is an Aam Gairmajarua public land used as Aam Rasta and is only way of communication of the people of village-Mayapur upon which respondent no. 5 to 12 have been encroached by different ways due to which the main rasta (road) of the villagers have been narrowed causing difficulty in communication of the villagers.

(ii) For issuance of a writ of mandamus for commanding the respondents who despite several representations / public petitions could not take any action to restrain respondent no. 5 to 12 from encroachment of “Aam Rasta” (public road) of the villagers of Mayapur village.



(iii) For issuance of any other relief / reliefs which may deem fit and proper of the facts and circumstances of the case and for which the petitioners may entitle.”

After having heard the matter for some time, learned counsel for the petitioners submits that the petitioners would be content if a direction is issued to the appropriate authority to conclude the proceeding expeditiously with regard to Encroachment Case No. 16 of 2018-19 pending before the Circle Officer, Fatehpur, Gaya under the provisions of the Bihar Public Land Encroachment Act, 1956.

We notice that the petitioners have impleaded certain parties as private respondents. We, without adjudicating rights of any of the parties, including the present petitioners, as prayed for, dispose of the present writ petition in the following terms:-

(i) Encroachment Case No. 16 of 2018-19 pending before the Circle Officer, Fatehpur under the provisions of the Bihar Public Land Encroachment Act, 1956 shall be positively completed in accordance with law, after affording adequate opportunity to the parties within a period of three months from today.

(ii) Learned counsel for the petitioners states that the petitioners shall place on record a copy of the order passed in the present case before



the aforesaid authority.

The present writ petition stands disposed of in the
aforesaid terms.

(Sanjay Karol, CJ)

(Mohit Kumar Shah, J)

Tiwary/-Ajay/-

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