

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11624 of 2018

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Pankaj Kumar Jha, Son of Birbhadra Jha, Resident of Village- Titra
Ashanand, P.S. Sakra, District- Muzaffarpur.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The Collector, Muzaffarpur.
4. The Sub- Divisional Officer (East), District- Muzaffarpur.
5. The Circle Officer, Muraul, District- Muzaffarpur.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Nand Gopal Mishra, Adv.
For the Respondents : Mr. Partha Sarthi, GA-4

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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 23.06.2018 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) Issuance of appropriate writ/writs, order/orders,
direction/directions to the respondents to remove the
encroachment, from the public road, pertaining to
Khata No. 203, Khesra No. 349, Area 4 acre 46
decimals at village 0 Titra Ashanand, which after its
removal earlier on the direction of Hon’ble court
vide order dated 30.07.2009 passed in CWJC No.



1887/2009 (Vijay Kumar Mishra versus The State of Bihar and Others) has again been encroached by the encroachers to such an extent, which causes obstruction to the villagers in its use as also in the movement of vehicles on it.

(ii) Further issuance of a consequential writ, directing the respondents particularly respondents no. 4 and 5 to take appropriate action against the encroachers immediately as and when they come to know about any such encroachment in future, upon the said 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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