

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18356 of 2018

Manjesh Mukhiya, Son of Kailu Mukhiya, Resident of Village- Madanpur,
P.S.- Madanpur, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner, Koshi Pramandal, Saharsa.
3. The District Magistrate, Madhepura.
4. The Sub-Divisional Officer, Madhepura.
5. The Deputy Collector Land Reform, Madhepura.
6. The Executive Magistrate, Madhepura.
7. The Circle Officer, Madhepura.
8. The Yasodhar Yadav, Son of Dharaj Yadav.
9. Hari Nandan Yadav, Son of Late Ghoghai Yadav.
10. Lutan Yadav, Son of Late Ram Kishun Yadav.
11. Mohan Yadav, Son of Late Mukhlal Yadav,
12. Maheshwari Yadav, Son of Late Mukhlal Yadav,
13. Parshuram Yadav, Son of Chhotelal Yadav,
Respondents No. 8 to 13 Resident of Village- Madanpur, P.S.- Madanpur,
District- Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey
For the Respondent/s : Mr.Md.Khurshid Alam -Aag12

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 11.09.2018 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/s:

“(i) For issuance of writ in the nature of mandamus



commanding and directing the Respondents authority to remove the encroachment from Khata No. 1656, Plot No. 7731 recorded in the name of the State of Bihar as road and the private respondents have encroached the land in question and as such the public at large of the locality are facing trouble and they are not in a position to play their vehicle and in spite of the order dated 2.4.2018 passed by the Executive Magistrate, Madhepura in a proceeding of Misc. Case No. 771/2017 till date no action has been taken to make road encroachment free by removing the private respondents who have made encroachment over the same.

(ii) And for any other relief/reliefs for which the petitioner is found to be entitled in the eye of law.”

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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