

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.20884 of 2019**

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Bigan Sao, Son of Bhut Sao, Resident of Village-Jinojiya, P.O. Khairadeep,  
P.S. Daudnagar, District-Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Secretary, Urban Development and Housing Department, Bihar, Patna
3. District Magistrate, Aurangabad.
4. The Sub-Divisional Officer, Daudnagar, Aurangabad.
5. The Block Development Officer, Daudnagar, District-Aurangabad.
6. The Circle Officer, Daudnagar, District Aurangabad

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.  
For the Respondent/s : Mr.Subhash Prasad Singh, GA-3

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**and**  
**HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)**

4      07-01-2020                      None appears for the petitioner. However, Mr.  
  
Subhash Prasad Singh, learned GA-3 represented the State is  
  
present.

The present writ application has been filed for  
removal of the encroachment from the government land  
appertaining to Plot Nos. 216 and 217 situated in Village  
Jinoria, Police Station – Daudnagar, District – Aurangabad.  
Further prayer has been made functionalize and improve the  
drainage system. As reliefs as stipulated in paragraph 1 of the



writ application, read as follow:-

“1. That the instant writ application by way of Public Interest Litigation has been filed inter alia for the following reliefs:-

i) To issue an appropriate order/orders, direction/directions including a writ preferably in the nature of Mandamus commanding and directing upon the respondents to remove the encroachment from the government land appertaining to Plot No. 216 and 217 situated in village Jinoria within Daudnagar Police Station of Aurangabad District.

ii) To direct the respondents to take suitable action with regard to solution of drainage system which has now been become dysfunctional in the locality as such dirty water from the residence of villagers of petitioner is out letting and disposed of after collecting in pit causing breeding place of mosquitoes.

iii) To direct the respondents to take proper arrangement to improve the drainage system through plot no. 217 in place of old drainage system stood in plot no. 216 for free following of water.

iv) To any other relief/reliefs to which the petitioner may found entitled in the facts and circumstances of the case.”



Learned counsel for the respondent-State submits that the report of the Halka Karamchari dated 05.11.2019 suggests that 0.3 decimals land appertaining to plot no. 216 and 0.3 decimals land appertaining to plot no. 217 are recorded in Cadestral Survey khatiyani in the name of Bihari Singh, Son of Jagarnath Singh. It is further submitted that the drainage has been constructed by the Mukhiya of the concerned Gram Panchayat and the grievance of the petitioner has been redressed. Statement to that effect has been made in paragraph 8 of the counter affidavit filed on behalf of respondent nos. 3, 4 and 6, which reads as follows:-

“That it is humbly submitted that in light of the facts mentioned in the present writ petitioner, a report was called for by the answering respondent no. 4, the Circle Officer, Daudnagar from the concerned Halka Karamchari who after verification of revenue record as well as after spot verification submitted a report dated 05.11.2019 stating therein that the land in question bearing Khata No. 20, Plot No. 216, Area 03 Decimal and Khata No. 20, Plot No. 217, Area 03 Decimal is recorded in C.S. Khatiyani in the name of Bihari Singh, Son of Jagarnath Singh, Resident of Village Jinoria and the nature of the land is recorded as Dhanhar. The Halka Karamchari further reported that the



dispute of “Nali” has already been resolved and Pucca Nali over the said plot has been constructed by the Mukhiya of the concerned Gram Panchayat and presently there is no obstruction in flow of dirty water of the house of the villagers through the said Nali and the petitioner has not complain in this regard.”

In view of the abovementioned stand of the respondents, we are not inclined to proceed further in the present writ application. Accordingly, this writ application is disposed of.

**(Dinesh Kumar Singh, J)**

**(Anil Kumar Sinha, J)**

DKS/-

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