

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16432 of 2018

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Devendra Mahto, son of Late Arjun Mahto, resident of Village- Kanpa, P.S.
Rani Talab Kanpa, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
 2. The Principal Secretary, Road Construction Department, Govt. of Bihar, Patna.
 3. The Principal Secretary, Rural Development Department, Govt. of Bihar, Patna.
 4. The District Magistrate cum Collector, Patna, District- Patna.
 5. The S.D.O. Paliganj, District Patna.
 6. The Circle Officer (C.O.), Bikram, Patna.
 7. Hira Mistri son of Late Jaldhar Mistri
 8. Shiv Shankar Mistri @ Karia Mistri son of Late Madhav Mistri
 9. Naresh Mahto son of Muni Mahto
 10. Rambihari Mahto son of Jakran Mahto
 11. Manoj Mahto son of Late Bhagwan Mahto
 12. Lakhn Sao son of Late Ragu Sao
- All 7 to 12 are resident of Village- Kanpa, P.S. Rani Talab Kanpa, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar No. 1
For the Respondent/s : Mr.Anjani Kumar -Aag4

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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 16.08.2018 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:

“For issuance of a writ in the nature of mandamus strictly directing the State Respondents to remove the entire Encroachment and un authorized constructions forthwith, made up on the main Govt. public Road and its Flanks by the Private Respondents No. 7 to 12 at village-Kanpa, Block-Bikram, P.S.-Rani Talab, Subdivision- Paliganj of District- Patna in the light of land marks Judgment of Arun Kumar Mukharji's case contained in Annexure-3/1 and 3/2 whereby and where under this Hon'ble High Court and Hon'ble Supreme Court both have repeatedly directed the state authorities to remove the entire encroachments and unauthorized constructions made up on the Govt. Public Road and upon the flanks of the Road. And during the pendency of this writ petition further for directing the Respondents to remove all such unauthorized constructions encroachments made by those villagers who are law breakers and have made unauthorized constructions upon the public road and its flanks using their influence upon Local authorities.”

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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