

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20182 of 2018

1. Anirudha Singh, Son of Late Bhagwan Singh,
2. Brijbihari Dubey, Son of Thkaur Dubey, Both Resident of-Ward no.-9, Somgarh P.S. Sathi, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Rural Development Department, Bihar, Patna.
2. The District Magistrate Cum Collector, West Champaran.
3. The Senior Superintendent of Police, West Champaran.
4. The Deputy Collector, Land Reforms, West Champaran.
5. The Sub-Divisional Officer, Narkatiyaganj, West Champaran.
6. The Circle Officer, Narkatiyaganj, District-West Champaran.
7. The Officer in charge of Santhi Police -Station, Narkatiyaganj, West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore, Advocate
For the Respondent/s : Mr. Anjani Kumar- AAG 4

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 08.10.2018 is listed for hearing
for the first time today before the Court.

Heard learned counsel for the petitioners and learned
counsel for the respondents.

Petitioners have prayed for the following relief (s):

“(i) For issuance of an appropriate writ in the
nature of Mandamus, commanding and
directing the respondents to remove
encroachment over the public road which is
used by villagers for going and coming to



other village and market bearing of Khata No. 7, 6, 130, 144, Khesra no.1662, 1636, 889, 888, 1559, 1511, 1713, 904, 907, 906, 1093, 903, 1737, area 336 decimal land, which is situated at village Somgadh, P.O. & P.S.-Santhi, P.S. No.502, of West Champaran district and the same has been encroached by co-villagers who are politically sound and mussel man and due to encroachment there is great problem of the people of the village in coming and going from their house.

- (ii) For issuance of an appropriate writ in the nature of mandamus, commanding and directing the respondents to take free land in question from encroachment so that people of such village could move freely on road and also reach at their house from their vehicle.
- (iii) For issuance of any other writ/writs/order/orders/direction/directions for which the writ petition is legally found entitled on behalf of his community and poor villagers under the facts and circumstances of the case.”

After the matter was heard for some time, learned counsel for the petitioners submits that petitioners shall be content if a direction is issued to the concerned respondents to consider and decide the representation, which the petitioners



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 petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioners take 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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