

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25690 of 2019

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Surendra Pathak Son of Sri Ramakant Pathak, Resident of Village-
Bathanaha East Tola, Ward No. 2, P.S. Bathanaha, District- Sitamarhi.

... .. Petitioner

Versus

1. The State of Bihar through the Secretary, General Administrative
Department Bihar, Patna.
2. The District Magistrate, Sitamarhi.
3. The Sub- Divisional Officer, Sitamarhi Sadar, Distt. Sitamarhi.
4. The Circle Officer, Bathanaha, Distt. Sitamarhi.
5. Jahuri Rai, Son of late Pacchu Rai, Resident of Village- Bhaluaha, Ward No.
16, P.S. Bathanaha, District- Sitamarhi.
6. Dayal Sada, Son of Mohit Sada, Resident of Village- Bhaluaha, Ward No.
16, P.S. Bathanaha, District- Sitamarhi.
7. Mangal Pashwan Son of late Priti Paswan, Resident of Village- Bhaluaha,
Ward No. 16, P.S. Bathanaha, District- Sitamarhi.
8. Jitan Paswan, Son of late Late Priti Paswan, Resident of Village- Bhaluaha,
Ward No. 16, P.S. Bathanaha, District- Sitamarhi.
9. Vijay Pashwan, Son of late Priti Paswan, Resident of Village- Bhaluaha,
Ward No. 16, P.S. Bathanaha, District- Sitamarhi.
10. Lal Pashwan, Son of late Gudar Paswan, not known
11. Jai Ram Pashwan, Son of late Parikshan Pashwan, not known
12. Purani Devi, Wife of late Lakshan Pashwan, not known
13. Pramod Pashwan Son of late Lakshan Pashwan, not known
14. Smt. Goliya Devi, Wife of late Sitaram, not known
15. Captan Pashwan, Son of late Bhabichhan Pashwan, not known,
16. Padarth Ram, Son of Pachhu Ram, not known
17. Nageshwar Ram, Son of late Ganeshi Ram, not known,
18. Mahesh Ram, Son of late Ganeshi Ram, not known
19. Mushan Sada, Son of Rijhan Sada, not known,
20. Mangal Sada, Son of late Chaitu Sada, not known

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Devendra Kumar
		Mr. Pramod Kumar Verma
For the Respondent State:		Mr. Ravi Verma, AC to GP-4

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER



2 23-01-2020

It is the petitioner's case that the private respondents No. 5 to 19 have encroached upon a public road and despite representations having been made before the authorities, including Circle Officer, Bathnaha, no action has been initiated so far. It has also been stated that the petitioner has approached the District Magistrate, Sitamarhi, also in this regard.

Considering the facts and circumstances and the nature of relief, which is petitioner is seeking, this writ application is disposed of with an observation that let the respondents consider the representation of the petitioner and proceed in accordance with law under the provisions of Bihar Public Land Encroachment Act, 1956/Section 133 of the Code of Criminal Procedure in view of the law laid down in case of *Sanjay Jha Vs. The State of Bihar and Others*, reported in **2016(1) PLJR 248**.

This writ application stands disposed of.

(Chakradhari Sharan Singh, J)

Pawan/-

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