

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1899 of 2021

Geeta Kumari, Wife of Ram Prakash, Resident of Ward No. 8, Village-
Grahsisai, P.S. and P.O.- Vidyapati Nagar, District- Samastipur, presently the
Panchayat Samiti Member of Gram Panchayat- Grahsisai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Land Revenue Department,
Government of Bihar, Patna.
2. The Secretary, Land Revenue Department, Government of Bihar, Patna.
3. The District Magistrate-Cum- District Collector, Samastipur.
4. The Sub- Divisional Officer, Dalsinghsarai, Samastipur.
5. The Deputy Collector Land Reform (DCLR), Dalsinghsarai, District-
Samastipur.
6. The Circle Officer, Vidyapatinar, District- Samastipur.
7. The Station House Officer(SHO), Vidyapatinar, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Brisketu Sharan Pandey, Advocate Mr. Jyoti Kumar Sinha, Advocate Mr. Abhishek Kumar, Advocate Mr. Priya Ranjan, Advocate
For the Respondent/s	:	Mr.Lalit Kishore (Ag) Mr. Pawan Kumar, AC to AG Md. Khurshid Alam, AAG 12.

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-03-2021

Petitioner has prayed for the following relief(s):-

“For removal of encroachment of public land
bearing Khata No. 79 (Old)/1474 (New) and Khesra
No. 1632 (Old)/2701 (New), Circle-Vidyapatinar,
Mauza/Village- Garhsisai, P.S.- Vidyapatinar,
District- Samastipur which is in the nature of public



road and has been illegally encroached upon by the inhabitants residing on the side of public road.

Further the Hon'ble Court may be pleased to direct the respondents to take appropriate steps for getting the encroachment of public path on land bearing Khata No. 79 (Old)/1474 (New) and Khesra No. 1632 (Old)/2701 (New), Circle-Vidyapatinagar, Mauza/Village- Garhsisai, P.S.- Vidyapatinagar, District- Samastipur free from encroachment in terms of the report dated 30.03.2012 given by the Anchal Amin to the Circle Officer, Vidyapatinagar confirming the encroachment.

Further the respondents be directed to take appropriate steps for removing the encroachment from the public path for which the Circle Officer has already been issued guidelines by the DCLR, Dalsinghsarai vide letter dated 27.06.2013.

For any other relief or relief as deem fit and proper.

Learned counsel for the State opposes the petition stating that the petition is misconceived; raises disputed question of fact; is not in public interest; and that the issue can be best resolved at the Government level by the appropriate 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 respondent(s) to consider and decide the representation which the petitioner shall



be filing afresh for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

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.

Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action.

We have not expressed any opinion on merits. All issues are left open.

The proceedings, during the time of current



Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, also stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	04.03.2021
Transmission Date	

