

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16193 of 2021

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Birendra Jha S/o Dheo Narayan Jha R/o Village Bhalni Madan, P.S. Bajpatti,
District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector cum District Magistrate, Sitamarhi.
2. The Addl. Collector, Sitamarhi.
3. The Superintendent of Police, Sitamarhi.
4. Sub-Divisional Officer, Pupari, Sitamarhi.
5. Anchal Adhikari, Bajpatti, Sitamarhi.
6. Station Head Officer of Bajpatti Police Station, Sitamarhi.

Respondent 1st Set

7. Vinod Jha, S/o Late Subhadra Jha,
8. Nawal Jha, S/ Late Subhadra Jha,
9. Vijay Jha, S/o Late Subhadra Jha,
10. Mithlesh Jha, S/o Late Subhadra Jha,
11. Pramod Jha, S/o Late Subhadra Jha,
12. Ajay Jha, S/o Late Subhadra Jha,
13. Chhunnu Jha, S/o Late Subhadra Jha,
14. Bhoja Jha @ Shivshankar Jha, S/o Late Upendera Jha,
All R/o Village Bhalni Madan P.S. Bajpatti, District - Sitamarhi.

... .. Respondent 2nd set

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Respondent/s : Mr. Rishi Raj Sinha (Sc19)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

**(The proceedings of the Court are being conducted through
Video Conferencing and the Advocates joined the proceedings
through Video Conferencing from their residence.)**

Date : 20-09-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“For issuance of any appropriate writ / writs, order/ orders, direction and to set aside the order dated memo no.1037 dated 3.8.2021 passed by the learned Sub-divisional Officer, Purari (Sitamarhi) (Annexure-6) and further to direct the respondent authorities to remove the encroachment from the public road bearing khata no.511 plot no.1066 area 2 acres 22 decimals situated at Thana no.132, Mauza Bhalani Madan, Bajpatti (Sitamarhi), which has been occupied by the private respondent 2nd set to the writ petition by constructing house thereon.

It is submitted by learned counsel for the petitioner that the respondents second set have encroached over the public land for last several years and in spite of an order of eviction having been passed under Section 3 of the Bihar Land Encroachment Act, 1956, they have not been removed from the public land. Annexure 3 is an order of Circle Officer, Bajpatti in which it has been stated that inquiry was made and it was found that respondents second set have encroached upon the land which has been ordered to be vacated. He sought armed forces for their removal upon which SDO, Pupri (Annexure 6) visited the place where the encroachers gave undertaking to the SDO that they will voluntarily vacating the public land after 4-5 months.

Under such circumstances, in view of Annexure 6 and the present stage of pandemic and area being flood prone

and on the undertaking given by the encroachers to S.D.O. that they will vacate the encroached area after 4-5 months this writ petition stands disposed of with a direction to get the encroached land vacated after 5 months.

It is made clear that if encroachers do not vacate the encroached area even after 5 months, the S.D.O. Pupri, Sitamarhi will remove the encroachers from the land in question which has been found to be a public land after period of undertaking, as given by the encroachers and a report to said effect be submitted by S.D.O., Pupri, Sitamarhi to this Court.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.09.2021
Transmission Date	NA