

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4554 of 2022

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1. Arvind Prasad, Son of Jagat Narayan Shah, Resident of Village - Janaua, Ward No. 15, Police Station - Bairganiya, District - Sitamarhi.
 2. Sheela Kumari, Wife of Rimaldeo Josheph, Resident of Village - Marpatahir, Police Station - Bairganiya, District - Sitamarhi.
 3. Munni Gupta, Wife of Srikant Kumar, Resident of Village - Jamua, Police Station - Bairganiya, District - Sitamarhi.
 4. Rambabu Singh, Son of Late Parmeshwar Rai, Resident of Village - Marpatahir, Police Station - Bairganiya, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The District Collector, District - Sitamarhi.
4. The Sub Divisional Officer, Sub Division Sadar, District - Sitamarhi.
5. The Circle Officer, Circle Officer, Bairganiya, District - Sitamarhi.
6. The Station House Officer, Police Station - Bairganiya, District - Sitamarhi.
7. Ramchandra Malli, Son of Samru Malli, Resident of Jamua, Police Station - Bairganiya, District - Sitamarhi
8. Samru Malli, Son of Late Batam Malli, Resident of Jamua, Police Station - Bairganiya, District - Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Adv.
For the Respondent/s : Mr.Raj Kishore Roy (Gp 18)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-11-2022 The present writ petition has been filed seeking the following reliefs :-

“(i) For issuance of a writ in the nature of Mandamus directing and commanding the respondent authorities to vacate the encroachment from the land of the petitioners as well as from the public road, passing in front of the lands of the petitioners called as Bairgania Jamua Road. The land of the petitioners are bearing Khata No.258,



Plot No.258, Plot No.62, area 5, 6½, 1.68 and 5 decimals respectively situated in village-Marpatahir, Circle Office – Bairgania, which has been partially encroached by the respondent no.7 and 8 from the side of road including the road from which, the petitioners used to go to their land.

(ii) For issuance of writ/writs, order/orders, direction/directions to the respondent no.7 and 8 to remove illegal encroachment from the land of the petitioners as well as from in front of the petitioner's land i.e. over the Bairgania Jamua road, by which the petitioners are in problem to go at their land as well as the valuation of land also will decrease due to illegal encroachment by the respondent no.7 and 8 from the side of the road."

At the outset, the learned counsel for the petitioners has confined the prayer made in the present writ petition to removal of encroachment from the public road in question for which liberty is sought for on behalf of the petitioners to approach the Circle Officer, Bairgania, District-Sitamarhi. Liberty so sought is granted.

The writ petition stands disposed off as not pressed, however, with the aforesaid liberty.

(Mohit Kumar Shah, J)

Tiwary/Saurav

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