

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5929 of 2022

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Devesh Nath Dixit Son of Late Ram Bharosa Sharma Resident of Mohalla-
Prabhunath Nagar, Post- Tari, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate, Saran, at and P.O.- Chapra, District- Saran.
3. The Circle Officer, Chapra Sadar, At and PO- Chapra, District- Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar, Advocate
For the Respondent/s : Mr.Raj Kishore Roy (GP 18)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-12-2022 The present writ petition has been filed seeking the
following reliefs :-

“(i) To issue a writ of mandamus or any other appropriate writ/ order/ direction directing the respondents specially respondent no. 3, the Circle Officer, Chapra Sadar to perform his obligatory statutory duty provided in the Bihar Public Land Encroachment Act, 1956 to remove the encroachment from the public road and public nala appertaining to Thana no. 286, Khata no. 755, plot no. 1196, 1197 (public road) and plot no. 1680 and 1681 (public nala) situated in Mauna Gram Panchayat, District Saran at Chapra.

(ii) To issue a further writ of mandamus or



any other appropriate writ/ order/ direction commanding and directing the Government of Bihar for taking punitive legal action against the respondent no. 3, the Circle Officer, Chapra Sadar for not performing his legal obligatory duty in connivance with encroachers by not removing the encroachment from the public road inasmuch as sewerage.”

The learned counsel for the respondent- State has filed a counter affidavit, which is taken on record, wherein it has been stated that an Encroachment case no. 03 of 2019-20 was initiated, whereafter the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 was passed and then the encroachment was removed, however, the learned counsel for the petitioner has indicated that certain portion of the encroachment is yet to be removed.

Having regard to the facts and circumstances of the case, I deem it fit and appropriate to dispose off the present writ petition with a direction to the District Magistrate, Saran at Chapra to ensure compliance of the final order passed by the Circle officer, Chapra Sadar, Chapra in connection with Encroachment case no. 03 of 2019-20 and see to it that the remaining encroachment is also removed, within a period of



two weeks from today.

The writ petition stands disposed off on the
aforesaid terms.

(Mohit Kumar Shah, J)

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