

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3846 of 2019

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Sumitra Devi W/o Suresh Pd.Singh @ Ram Suresh Pd. Singh @ Ram Suresh Singh @ Ram Suresh Pd. Resident of Village-Bishunpura,P.O. Bishunpura,P.S. Sherghati,Dist-Gaya,Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary,Govt. of Bihar,Patna
2. The Chief Secretary Govt. of Bihar,Patna
3. The District Magistrate Gaya
4. The Senior Superintendent of Police,Gaya
5. The Deputy Development Commissioner Cum-Chief Executive Officer,Zila Parishad,Gaya
6. The Senior Deputy Collector, Sherghati,Dist.-Gaya
7. The Sub-Divisional Police Officer,Sherghati,Dist.-Gaya
8. The Sub-Divisional Public Grievance Redressal Officer,Tekari,Dist.-Gaya
9. The Circle Officer, Sherghati Anchal,Dist.-Gaya
10. The Station House Officer, Sherghati Police Station,Dist.-Gaya
11. Kalu Paswan S/o Ram KishunPaswan Village-Bishunpura Post Bishunpura,P.S. Sherghati,Dist.-Gaya through Dist.-Magistrate-Gaya
12. Komal Paswan S/o Ram Kishun Paswan Resident Village-Bishunpura Post Bishunpura,P.S. Sherghati,Dist.-Gaya through Dist.-Magistrate-Gaya
13. Mahesh Paswan S/o Birbal Paswan Resident Village-Bishunpura Post Bishunpura,P.S. Sherghati,Dist.-Gaya through Dist.Magistrate-Gaya
14. Ram Sevak Paswan S/o Komal Paswan Resident Village-Bishunpura Post Bishunpura,P.S. Sherghati,Dist.-Gaya through Dist.-Magistrate-Gaya
15. Birbal Paswan S/o Not known Resident Village-Bishunpura Post Bishunpura,P.S. Sherghati,Dist.-Gaya through Dist.-Magistrate-Gaya
16. Mano Paswan S/o Not Known Resident Village-Bishunpura Post Bishunpura,P.S. Sherghati,Dist.-Gaya through Dist.-Magistrate-Gaya
17. Champaion Paswan S/o Komal Paswan Resident Village-Bishunpura Post Bishunpura,P.S. Sherghati,Dist.-Gaya through Dist.-Magistrate-Gaya
18. Dashrath Paswan S/o Faghuni Paswan Resident Village-Bishunpura Post Bishunpura,P.S. Sherghati,Dist.-Gaya through Dist.-Magistrate-Gaya
19. Khelawan Paswan S/o Dahu Paswan Resident Village-Bishunpura Post Bishunpura,P.S. Sherghati,Dist.-Gaya through Dist.-Magistrate-Gaya
20. Indradev Paswan S/o Komal Paswan Resident Village-Bishunpura Post Bishunpura,P.S. Sherghati,Dist.-Gaya through Dist.-Magistrate-Gaya

... .. Respondent/s

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Appearance :



For the Petitioner/s : Mr. Rohit Kumar, Adv.
Mr. Manish Kumar No 13
For the Respondent/s : Mr. Sajid Alim Khan (Sc25)
For Respondent No. 17 : Mr. Jitendra Kumar Bharti, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 23-06-2022 The present writ petition has been filed seeking removal of the illegal encroachment made over the public road pertaining to Mauza Bishunpura, Thana No. 732, Khata No. 109, Khesra No. 228, area-0.05 Acre under Sherghati Anchal in the District of Gaya.

The learned counsel for the petitioner has referred to the report of the Circle Officer, Sherghati dated 12.02.2017 wherein he has found encroachment to have been made over the land in question, as stated in the said report dated 12.02.2017 and on the basis of the same, the learned court of Sub-Divisional Officer, Sherghati, by an order dated 5.5.2017 passed in Miscellaneous case No. 774 of 2016, has directed the Circle Officer, Sherghati to take further steps with regard to removal of the encroachment made over public land appertaining to Khesra No. 228, area 0.05 Acre Annabad Sarbsadharan.

The learned counsel for the Respondent State has submitted that in case encroachment has been made over public land, the Circle Officer concerned is required to take appropriate action under the provisions of Bihar Public Land Encroachment



Act, 1956 and the encroachment, if any, shall be removed immediately by taking recourse to the due process of law.

Having regard to the facts and circumstances of the case, the present writ petition stands disposed of with liberty to the petitioner to file appropriate petition for removal of the encroachment in question before the Circle Officer, Sherghati, Gaya and in case such a petition is filed within a period of four weeks from today, the Circle Officer, Sherghati, shall take appropriate action, in accordance with law, after issuance of notice and after hearing the effected parties within a period of eight weeks, thereafter.

(Mohit Kumar Shah, J)

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