

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10759 of 2020

Chintamani Yadav Son of Chunnu Yadav, Resident of Village - Padhari, P.S.
and Circle Office Baheri, Dist.- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Revenue, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Darbhanga.
3. The District Magistrate, Darbhanga.
4. The Sub-Divisional Officer, Sadar, Darbhanga.
5. The Circle Officer, Baheri, Dist. - Darbhanga.
6. Ram Udgar Yadav, Son of Late Lutai Yadav, resident of Village - Padhari, P.S. Baheri, Dist.- Darbhanga.
7. Saroj Yadav, Son of Baidhnath Yadav, resident of Village - Padhari, P.S. Baheri, Dist.- Darbhanga.
8. Mukti Yadav, Son of Late Thakko Yadav, resident of Village - Padhari, P.S. Baheri, Dist.- Darbhanga.
9. Soman Yadav Son of Late Thakko Yadav, resident of Village - Padhari, P.S. Baheri, Dist.- Darbhanga.
10. Devendra Yadav @ Botal Yadav, Son of Late Saburi Yadav, resident of Village - Padhari, P.S. Baheri, Dist.- Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate
For the Respondent/s : Mr.Lalit Kishore, AG

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-11-2022 The present writ petition has been filed seeking the following reliefs:-

“I) To issue a writ in the nature of Mandamus to direct the respondents to remove the encroachment from the pieces of land bearing Old Khesra No. 502,503,504,505,487,488,493 which has been merged with Khesra no. 380 of Village Padhari,



Circle Baheri, Dist- Darbhanga, which is part of the Baheri-Darbhangha main road which have been encroached by the private respondents named herein this application.

II) To hold and declare that Ld. CO-Baheri S.D.O., Darbhanga Sadar and D.M. Darbhanga have violated the constitutional mandate and the Section of Bihar Encroachment Act who have not taken into consideration the complaint about the said encroachment made by the pvt. respondents.

III) To direct the respondents to take prompt and positive action towards the representation/ claim of petitioner with regard to removal of the said encroachment in order to felicitate easy and comfortable free flow of traffic on the main road of said village and as also for the protection of people and cattle used to meet accident due to narrowing down of the main road of village.”

At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the Circle Officer, Baheri, District-Darbhangha, for redressal of his aforesaid grievance.

Liberty so sought is granted.

It is needless to state that in case the petitioner approaches the Circle Officer, Baheri, District-Darbhangha, by filing appropriate petition under the provisions of the Bihar Public Land Encroachment Act, 1956, within a period of four



weeks from today, the same shall be considered, in accordance with law and after hearing the affected parties, appropriate orders shall be passed thereon, forthwith.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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