

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13364 of 2022

Shiv Nath Singh Son of Deo Narayan Singh, Resident of Village- Sapahi,
Turkaulia, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The District Magistrate, Siwan.
4. The Superintendent of Police, Siwan.
5. The Sub- Divisional Officer, Siwan.
6. The Circle Officer, Circle- Goreyakothi, District- Siwan.
7. The Station House Officer, Goreyakothi, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shambhu Nath, Advocate
For the Respondent/s : Mr.Pawan Kumar, AC to AG

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 09-09-2022

Petitioner has prayed for the following relief(s):

“(i) To issue an appropriate writ(s)/order(s)/direction(s) to the respondent authorities to remove encroachment over the Government Road (District Board Road)



situated at Mauja – Pachpakaria Tulsi, Thana No. 30, Khata no. 173, Survey No. 181, area 0-2-19 Dhoor, encroached by the local people.

(ii) To issue an appropriate writ(s)/order(s)/direction(s) to the respondent authorities to remove Platform (Chabutra) constructed by the encroachers in front of survey plot no. 181 on the ‘T Junction’ of government road which has blocked at the road completely.

(iii) To issue an appropriate writ(s)/order(s)/direction(s) to the respondent authorities to construct the road strictly as per original alignment after removing encroachment from the road and till then construction work may be stayed in the public interest.

(iv) To pass any other order/orders in shape of a consequential relief to which the petitioner may be found legally entitled in the facts and circumstances of the instant case.”

Our attention is invited to the order dated 26th February, 2021, passed by the Circle Officer, Goreyakothi, district- Siwan in relation to Encroachment Case No.08/2020-21. It is contended that the said order is not being executed, perhaps for the reason that the encroachers are powerful persons and there is laxity on the part of the State.

We are of the considered view that respondent No. 6, namely The Circle Officer, Goreyakothi, district- Siwan shall immediately take call for implementing his order in letter and spirit.



We also direct respondent Nos. 3 and 4, namely The District Magistrate, Siwan and the Superintendent of Police, Siwan to ensure that adequate police protection is provided for executing the order which, according to the petitioner, has already attained finality.

Needful be positively done within a period of three months from the date of production of a copy of this order.

Petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS

AFR/NAFR	
CAV DATE	
Uploading Date	13.09.2022
Transmission Date	

