

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3704 of 2021

Lalit Kumar @ Lalit Kr Pansari son of Ram Gopal Pansari Resident of Village- Alamnagar Uttari, Alamnagar, P.S. and Anchal- Alamnagar, Dist- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary Land Reform Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Koshi Division, Saharsa.
3. The District Magistrate cum Collector, Madhepura.
4. The Secretary Rural Works Department, Government of Bihar, Patna having his Office Vishwesaraiya Bhawan, Patna.
5. The Chief Administrative Officer Rural Works Department, Government of Bihar, Patna having his Office Vishwesaraiya Bhawan, Patna.
6. The Chief Administrative Officer Electrics/ Congelf/ DMH/ East Central Railway Greenfills Electric Loco Motive Factory, Madhepura, 6th Floor Biscoman Tower, Patna- 800001.
7. The Chief Engineer Rural Works Department, Government of Bihar, Patna.
8. The Executive Engineer RWD (Rural Works Department) Division, Madhepura.
9. The Assistant Engineer RWD (Rural Works Department) Division, Madhepura.
10. The District Publics Grievance Redressal Officer, Madhepura.
11. Public Grievance Redressal Officer, Madhepura.
12. The Land Acquisition Officer, Madhepura.
13. The Circle Officer, Ghailadh, District-Madhepura.
14. Shubhas Mandal son of late Anup Lal Mandal resident of Village- Bhan under Gram Panchayat Bhant Tekti, Block/ Anchal Madhepura, Dist- Madhepura.
15. Pintu Yadav son of Krit Narayan Yadav Resident of Village- Bhirkhi, Ward No. 23, Block/ Anchal- Madhepura, Dist- Madhepura.
16. Aman Singh Son of Amar Kishore Prasad Singh Resident of Village- Ganesh Sthan, P.O.- Bhagwanpur, under Gram Panchayat Sahugadh, Block/ Anchal- Madhepura, Dist- Madhepura.
17. Upendra Singh son of Shri Chandrika Singh Gram Post- Ganesh Sthan, Post- Bhagwanpur, under Gram Panchayat Sahugadh, Block/ Anchal- Madhepura, Dist- Madhepura.
18. Lakhinder Yadav son of Late Anand Yadav Resident of Village- Gram Post- Ganesh Sthan, Post- Bhagwanpur, under Gram Panchayat Sahugadh, Block/ Anchal- Madhepura, Dist- Madhepura.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr.Abhijeet Gautam, Advocate

For the Respondent/s : Mr.Lalit Kishore (AG)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-08-2022 The present writ petition has been filed seeking the following reliefs:-

“i) For issuance of relief/reliefs, order/orders, direction/directions, in the nature of mandamus commanding the respondents to immediately remove the Aam Public land which encroached by the private respondent no. 14 to 18 under Mauja Bhan Tekti, Khata No. 1539, Khesra No. 13148, Rakwa 0.31 decimal land which is encroached by the private respondent and created nuisance over the Aam rasta land, accordingly, the petitioner along with the villagers filed an application before the Circle Officer, Ghailadh Anchal, District-Madhepura on 23.12.2019 and also file representation before the S.D.M., Madhepura on 07.01.2020, the petitioner has also filed an application on 15.12.2019 before the District Magistrate cum Collector, Madhepura under the provision of Section 3 of Bihar Public Land Encroachment Act praying for removal of encroachment of Aam Public land because the Collector has got empowered under the said provision for initiation of proceedings on the basis of application made by any persons or upon information received from any sources that any person has made or is responsible for the continuous



of any encroachment upon any public land, the Collector may cause to be served upon such person a notice in the prescribed form requiring him to appear on a date which shall not be less than two weeks from the date of service of notice why he should be restrained from making such encroachment but in the present case neither the Collector nor any other Officer have exercised the power under the said provision and an application of the petitioner dated 15.12.2019 which is pending before the Collector, Madhepura, S.D.M., Madhepura and the Circle Officer, Gailadh, District-Madhepura.

ii) For further the petitioner praying for immediately remove the Aam Public Pakki road in between Madhepura Chakla Chawk to Shripur Khupaiti under Block Ghailadh, District-Madhepura, which is encroached by the respondent no. 14-18, so far the general people have serious cause because they are not freely moving through the Aam Rasta due to encroachment of Aam public road which is situated since long time ago for about 14015 years and in the Nazri map, the Aam Rasta road from Madhepura Chakla road to Sripur Khipaiti road which is already situated and the general people have used the said road including the petitioner, but all of sudden the private respondent have encroached the Aam public land and after construction of Pakka wall over the said land, to this effect the petitioner had earlier filed the representation before the Circle Officer,



Ghailadh, S.D.M., Madhepura as well as the Collector-Madhepura but when no action have taken by the concerned respondent Authority accordingly, the petitioner had also filed an application by way of Complain No. (Nirgat Sankhya)-51121-10693 dated on 19.03.2020 before the Public Grievance Redressal Officer, Madhepura cum-S.D.O., under the provision of Bihar Right to Public Grievance Redressal Act, 2015, but the concerned respondent has also not taken any action in this regard the petitioner has also preferred by way of First Appellate Authority through Anan Panjiyan Sankhya: 999990120012097579 but it has not been considered till today.

iii) For further prayed for removal of Khata No. 1539, Khesra No. 13148, Rakwa 0.31 decimal which is situated at N.H. 107 old Pakki road which has been encroached by the private respondent.”

At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the Circle Officer, Ghailadh, District-Madhepura, i.e. the respondent no. 13 for redressal of his aforesaid grievances. Liberty so sought is granted.

It is needless to state that in case appropriate petition is filed under the provisions of the Bihar Public Land Encroachment Act, 1956, before the respondent no. 13, within a period of four weeks from today, the respondent no. 13 shall consider the same and pass appropriate orders thereon in



accordance with law and after hearing the affected parties,
within a period of 12 weeks, thereafter.

The writ petition stands disposed off on the aforesaid
terms.

(Mohit Kumar Shah, J)

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