

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2549 of 2018

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Suman Kumar Rai Son of Brahamdev Ray, Resident of Village- Bajitpur Saidat, Police Station- Biddupur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The District Magistrate, Vaishali.
3. The Sub Divisional Officer, Hazipur, District- Vaishali.
4. The Circle Officer, Biddupur, District- Vaishali.
5. The Assistant Engineer, Road Subdivision, Mahnar, District- Vaishali.
6. Hare Ram Bhagat, Son of Late Sukan Bhagat,
7. Bharat Sah, Son of Sheolal Sah,
8. Sarita Devi, Wife of Birchandra Prasad Yadav, Nos. 6 to 8 residents of Village- Bajitpur Saidat, Police Station- Biddupur, District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sangha Mitra Ghosh, Advocate
For the Respondent/s : Mr.Md.Khurshid Alam -AAG12

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 30-08-2022 In pursuance to the earlier order of this Court dated 16.08.2022, the District Magistrate, Vaishali has filed a counter affidavit, paragraphs no. 3 to 5 whereof, are reproduced hereinbelow :-

“(3) That in compliance of the order dated 16.08.2022 passed by your lordship, answering deponent, DM Vaishali, who has recently joined his office, Bidupur, DCLR, Hajipur and S.D.O. Hajipur to make an enquiry as to the complaint of encroachment as alleged by the petitioner on area



measuring 3.5 dec of plot no. 171/342, said to be part and parcel of a road situated in village- Mustafapur, Thana no. 466, anchal Bidupur, PS-Bidupur, Dist.-Vaishali.

(4). The the enquiry committee has accordingly submitted a joint report revealing the facts as to the matter in issue of encroached land which is part of the road that has been transferred to National Highway Division (NHAI), Bihar Sharif on 01.11.2021 by the notification no. 5180(S) dated 9/9/2020 issued by the Road Construction Department, Bihar, Patna and at present it exists as a part of the national Highway No. 122B.

(5) That during the inspection by the enquiry committee the contested portion of the road is found to be in possession of some persons having their shops, who claim to have actual sale deed for the same land but so far NHAI, who has the actual ownership over entire road has not made any requisition as to removal of the said encroachment and therefore as per letter no. 326(6)/Rev. Dated 28/10/19, issued by the Department of Revenue and Land Reforms Bihar, Patna, the answering deponent could not proceed in furtherance of the removal of encroachment, as alleged by the petitioner.”



In view of the aforesaid stand of the respondent- State, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to avail such other alternative remedies as are available under the law, for redressal of his grievances. Liberty so sought, is granted.

The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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