

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19177 of 2018

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Khokha Prasad Mandal Son of Late Chandu Mandal, Resident of Village-
Banshipur, P.O.-Maheshpur, P.S.-Kahalgaon, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the principal Secretary, General Administration Department, Government of Bihar, Patna.
2. The District Magistrate, Bhagalpur.
3. The Circle Officer, Circle Officer, Kahalgaon.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate
For the Respondent/s : Mr.Md.N.H.Khan -SC1

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-09-2022 The present writ petition has been filed seeking the
following reliefs :-

“(i) For issuance of a writ in the nature of mandamus or any other appropriate writ, order or direction directing the respondents to remove the encroachment from the Aam Public Road of Banshipur village from Panchayat Bhawan Banshipur to Ashok Ghat Deori Maheshpur within village Gopalpur, Shothnatu Pur, Panshipur and Devari is being constructed under Prime Minister Village Road Scheme on existing public road.

(ii) For issuance of a writ in the nature of mandamus or any other appropriate writ, order or direction directing the respondents to take appropriate action against



*responsible persons who have encroached
Public Road of Village-Bansipur from
Bansipur panchayat Bhawan to Ashok Ghat
Deori, Maheshpur. ”*

At the outset, the learned counsel for the respondent- State has referred to Annexure-D to the counter affidavit i.e. the inquiry report dated 29.07.2021, prepared by the Circle Officer, Kahalgaon and has submitted that the road in question is free of any obstruction, inasmuch as the encroachment has been removed, however, the said contention of the learned counsel for the respondent- State is disputed by the learned counsel appearing for the petitioner.

In such view of the matter, I deem it fit and appropriate to dispose off the present writ petition with a direction to the District Magistrate, Bhagalpur to ensure that the road in question is made free of encroachment, if any.

It is needless to observe that in case, any encroachment has resurfaced, the same shall be removed, in accordance with law and after hearing the affected parties.

(Mohit Kumar Shah, J)

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