

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.358 of 2023

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Girish Kumar Son of Tano Ray Resident of Village-Basahi, Ward No.10,
Police Station and Anchal-Cheriyabariyarpur District-Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar through, the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The District Magistrate, Begusarai.
3. The Sub-Divisional Magistrate, Manjhaul, District-Begusarai.
4. The Dy. Collector, Land Reforms, Manjhaul, District-Begusarai.
5. The Circle Officer, Cheriyabariyarpur, District-Begusarai.
6. The Officer-In-Charge of Cheriyabariyarpur Police Station, District-Begusarai.
7. Ram Japo Sah Son of Late Nand Lal Sah Resident of Village-Basahi, Ward No. 09, Police Station-Cheriyabariyarpur, District-Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Abhay Kumar Jha
For the Respondent/s : Mr.Md. Khurshid Alam (Aag 12)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 18-09-2023

The present writ petition has been filed seeking the following relief:-

“1. That this writ application in the nature of Mandamus is being filed for issuance a direction to the respondents to act as per the rules for removal of Encroachment over the State Highway- 55 (Begusarai Rosera Path) at Bhagwati Chowk in Village- Basahi, Ward No. 10 Panchayat Basahi, Police Station- Cheriyabariyarpur, District-Begusarai, which has been encroached by the private respondent no.7, who wants/started to



construct the house over the land of Road, in front of the house of the petitioner, which caused obstruction in between the house of the petitioner and the Road S.H. 55.

This writ application is also being filed for issuance a direction to the respondents, especially, the respondent no. 5. The Circle Officer, Cheriabariyarpur, District Begusarai to register Encroachment Case upon the application dated 22.12.2022 of the petitioner and after due process under Bihar Public Land Encroachment Act, after giving full opportunity of being heard to the aggrieved parties, the Encroachment over the S.H. 55 at Bhagwati Chowk in village Basahi, ward no. 10 under Circle and Police Station Cheriabariyarpur, District Begusarai shall be removed forthwith.

This writ application is also being filed for direction to respondents to dispose of the Complainant ID No. 9999901261222352677 as filed by the petitioner for removal of the Encroachment over the link in between the house of the petitioner and the Road.

This writ application is also being filed for issuance a direction to the respondents no. 1 to 6 to looking to the encroachment over the both sides of State Highway-55 (Begusarai Rosera Path) and proper action should be taken for removal of the encroachment over the land of road in both side.



This writ application is also being filed for other relief/ reliefs for which the petitioner found entitled.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the Circle Officer, Cheriabariyarpur, District-Begusrai, for redressal of his aforesaid grievance. Liberty so sought, is granted.
3. It is needless to state that in case, the petitioner approaches the Circle Officer, Cheriabariyarpur, District-Begusrai, 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.
4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.09.2023
Transmission Date	NA

