

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18990 of 2016

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Rajindar Yadav Son of Late Mauze Lal Yadav Resident of Village-Alinagar
Tole-Jagbani, P.S.-Alinagar, District-Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Darbhanga
3. The Anchal Adhiakari, Alinagar, P.S.-Alinagar, District-Darbhanga
4. Surat Yadav
5. Ram Sakal Yadav Both No. 4 and 5 are Sons of Late Janak Yadav
6. Rajesh Yadav Son of Surat Yadav
7. Shiv Kumar Yadav
8. Bhubneshwar Yadav Both Nos. 7 and 8 are Sons of Late Ram Sewak Yadav
9. Rajgir Yadav
10. Ram Narayan Yadav
11. Raj Kumar Yadav Nos. 9 to 11 are Sons of Ram Sakal Yadav
12. Raj Kumar Yadav Son of Laxmi Yadav, Nos. 4 to 12 are Residents of
Village- Alinagar, Tole-Jagbani, P.S.-Alinagar, Di

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Prasad
For the Respondent/s : Mr.Dhurjati Kr. Prasad,GP-14

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-04-2023 The present writ petition has been filed
seeking the following relief:-

*“1.i) A mandamus commanding the
respondents to remove encroachment of
Public Road over Khata No.130, Khesra
No.1622, Area 2.38 acres situated in
village-Alinagar, Tole- Jagbani, P.S.-
Alinagar in the District of Darbhanga.”*



The learned counsel appearing for the respondent-State has referred to Annexure-1 to the present writ petition and has submitted that the Circle Officer-Alinagar, District-Darbhanga has already passed the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956. It has also been submitted, by referring to paragraph no.10 of the present writ petition, that it is the averment of the petitioner that all the encroachers except one Surat Yadav, has removed encroachment from the land in question, hence a notice has also been issued to the said Surat Yadav, for removal of the encroachment in question, but till date the said encroachment has not stood removed, hence, necessary directions be given to the District Magistrate, Darbhanga.

Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose off the present writ petition with a direction to the District Magistrate, Darbhanga to ensure compliance of the final order passed by the Circle Officer-Alinagar, in connection with



Encroachment Case No. 5 of 2014-15, subject to verification of the factum of the aforesaid order having not been annulled by any higher forum or Court of law, by taking recourse to the due process of law, forthwith.

(Mohit Kumar Shah, J)

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