

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4779 of 2017

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Umesh Sah Son of Late Ramchandra Sah, Resident of Village-Tikauli, P.S.
Runnisaidpur, District-Sitamarhi

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate-cum-Collector, Sitamarhi.
3. The Deputy Collector, Land Reforms, Sitamarhi.
4. The Sub-Divisional Magistrate-cum-sub-Divisional Officer, Sitamarhi.
5. The Circle Officer, Runnisaidpur, Circle-Runnisaidpur, District-Sitamarhi
6. The Superintendent of Police, Sitamarhi.
7. The Sub-Divisional Police Officer, Sitamarhi.
8. The Officer-in-Charge, Runnisaidpur, District-Sitamarhi.
9. Md. Atwari Pasi, Son of Md. Tunus, Resident of Village-Tikauli, P.S.
Runnisaidpur, District-Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Devendra Kumar
For the Respondent/s : Mr.Raj Kishore Roy-Gp18

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 12-04-2023 The present writ petition has been filed seeking the
following reliefs:-

“1(I). For issuance of writ in the nature of mandamus directing and commanding the Respondent authorities to remove the encroachment immediately from the public road passing in front of appertaining Khata No.574, Khesra No. 1596 and area 27 dec. and Thana No. 80 in this regard, Petitioner has filed Land Encroachment Case No. 25 of 2012 but the case is pending since long.



(II). For further direction to the Respondent Authorities to remove the illegal construction i.e. hut over the public road within stipulated period, whereby and whereunder Private Respondent establish a toddy shop and have made public nuisance and also disturb the various way public at large.

(III). For further direction to the Respondent authorities to dispose of the representation of the petitioner for removal of encroachment upon the land which leads to the public road by a reasoned and a speaking order within timeframe.”

The learned counsel for the Respondents has filed a counter affidavit, which is taken on record.

The learned counsel for the Respondent-State has referred to paragraphs no. 8 and 9 of the counter affidavit to submit that the Circle Officer, Runnisaipur had initiated encroachment proceedings, vide Encroachment Case No. 25 of 2012, whereafter the encroachment in question has already been removed.

The learned counsel for the petitioner, in view of the aforesaid stand taken by the Respondents in their counter affidavit, submits that the present writ petition be disposed off, however, the petitioner be granted liberty to approach the Respondent authorities in case the encroachment has not been



removed wholly or in case the same has resurfaced. Liberty, so sought, is granted.

The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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