

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6107 of 2017**

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Arvind Kumar @ Arvind Kumar Singh son of Late Rambriksh Singh resident  
of village Dih Sarsouna, P.O. Tajpur, P.S. N.H. Bangra, District Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Revenue Department.
2. The District Magistrate, Samastipur.
3. The Sub-Divisional Magistrate, Samastipur.
4. The Circle Officer, Tajpur, Samastipur.
5. Ramchandra Das son of late Jai Prasad Das
6. Baidhnath Mahto son of late Wakt Mahto
7. Rajkumar Das son of late Janak Das
8. Mahendra Das son of Yugeshwar Das
9. Ramshokit Das son of Rameshwar Das
10. Sitaram Das son of Pallu Das
11. Ajay Kumar Singh son of late Ramashray Singh Respondents Nos. 5 to 11  
are residents of village Dih Sarsouna, P.O. Tajpur, P.S. N.H. Bangra, District  
Samastipur.

... .. Respondent/s

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**Appearance :**

|                               |   |                                                       |
|-------------------------------|---|-------------------------------------------------------|
| For the Petitioner/s          | : | Mr. Sudama Kumar, Adv.                                |
| For the Respondent/s          | : | Mr. Ebadur Rahman Shakeb, AC to AAG-12                |
| For the Pvt. Resp Nos. 5 to 7 | : | Mr. Uday Pratap Singh, Adv.<br>Mr. Rajesh Kumar, Adv. |

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL JUDGMENT**

**Date : 15-05-2023**

Heard Mr. Sudama Kumar, learned counsel for the  
petitioner, Mr. Ebadur Rahman Shakeb, learned counsel for the  
State and Mr. Uday Pratap Singh, learned counsel for the private  
respondent nos. 5 to 7.



By invoking the extraordinary writ jurisdiction of the Court under Article 226 of the Constitution of India, the petitioner seeks direction upon the respondents to demolish the house of the Respondent 2<sup>nd</sup> set, who have encroached the *Gairmazarua* Aam Road, which is situated in Mauza Dih Sarsouna, Thana No.64, Plot No.588, P.S. N.H. Bangra, District-Samastipur.

Submission has been made on behalf of the petitioner that despite the Anchal Ameen having conducted measurement and submitted report long back on 09.07.2016 as also the Circle Officer, Tajpur, Samastipur, having written to the Officer-In-Charge, Bangra, for ensuring that public land is not encroached by the encroachers, by resorting to fresh construction, till date neither the encroachment has been removed nor any action has been taken against the encroachers.

In compliance to the direction of this Court dated 17.04.2023, a counter affidavit has been filed on behalf of the respondent no.2, the District Magistrate, Samastipur.

By filing the counter affidavit, the respondent no.2 submits that in compliance of the order dated 17.04.2023, vide Memo No. 1474 dated 26.04.2023, a team was constituted and thereupon an inspection has been conducted by the S.D.O.,



Samastipur along with L.R.D.C., Samstipur. An inquiry report has been submitted, which clearly depicts that Khesra No. 588, Thana No. 64, is Government land mentioned as road in C/S Khatiyan and the land was measured by Anchal Ameen on 27.04.2023 and it has been found that the private-respondents have already encroached the land in question by making illegal construction over that.

In response to the notices, encroachers have already entered their appearance before the Circle Officer, Tajpur on 09.05.2023, and the Circle Officer, Tajpur passed an order to issue notices to the encroachers in Format-II.

It is expected that entire encroachment proceeding would be concluded within a period of six weeks and thereupon the encroachment over the land in question, if any, shall be removed forthwith.

In view of the submissions made on behalf of the respondents, especially the respondent no.2, the present writ application stands disposed of with a direction to conclude the encroachment proceeding within a period of six weeks.

It is made clear that if within such period, the encroachment would not be removed, the District Magistrate, Samastipur (Respondent No.2), would be personally



accountable and, in case of non-compliance of the order,  
appropriate order would be passed against erring officials.

**(Harish Kumar, J)**

rohit/-

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
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