

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18546 of 2017

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Krishna Kant Son of Late Awadhesh Singh, Resident of Village- Konch, P.S.-
Konch, District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar through Chief Secretary, Government of Bihar, Patna
2. The Chief Secretary, Government of Bihar, Patna.
3. The District Magistrate, Gaya.
4. The Senior Superintendent of Police, Gaya.
5. The Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Gaya.
6. The Sub-Divisional Officer, Tekari, District- Gaya.
7. The Sub-Divisional Police Officer, Tekari, District- Gaya.
8. The Sub-Divisional Public Grievance Redressal Officer, Tekari, District- Gaya.
9. The Circle Officer, Konch Anchal, District- Gaya.
10. The Station House Officer, Konch Police Station, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Manish Kumar No 13, Advocate Mr. Rohit Kumar, Advocate
For the State	:	Mr.Dhurjati Kr. Prasad, GP-14

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 27-06-2023 The present writ petition has been filed seeking the

following relief:-

*“A Mandamus commanding the
respondent authorities to take appropriate step
against the illegal encroachment over the
public road of Mauza - Konch bearing Thana
No.- 174, Khata No.- 929, Khesra No. 5777
under Konch Anchal in the district of Gaya
(hereinafter referred to as the encroached road*



in short), whereby and whereunder apparently road is being encroached and despite the direction was given to vacate the encroachment by the competent authority no action was taken.”

The District Magistrate, Gaya had filed a counter affidavit on 11.05.2023, wherein it has been stated that though the ingress and egress to the mill of the petitioner is clear and free from any hindrance, however, some encroachment is still existing over the public land in question and since dwellings have been constructed over the public land in question under Indira Awas Yojana, some time would be required to shift the encroachers to an alternative place.

Today, the learned counsel for the respondent-State has referred to the supplementary counter affidavit filed on behalf of the District Magistrate, Gaya, wherein it has been stated that the Circle Officer, Konch has identified the land for shifting encroachers after making proper settlement in their favour, whereupon the dwellings in question shall be demolished.

At this juncture, the learned counsel for the petitioner has pointed out that one Community Hall constructed by the respondent-authorities is also existing on the public land, which



is also required to be removed.

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, Gaya to shift the encroachers from the public land in question as aforesaid, within a period of six weeks from today, whereafter he shall ensure that the dwellings existing over the public land in question, near the mill of the petitioner are demolished, without any further delay. The District Magistrate, Gaya shall also take appropriate action in case the Community Hall in question has been constructed over the public land in question, by passing appropriate orders, within a period of four weeks from today.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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