

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6311 of 2021

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Ram Sakal Singh Son of Saruyug Singh Resident of Village- Bachchopati
Naraha, (Tole Gachhi Tola) P.S.- Bajpatti, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary of Home Department, Bihar at Patna.
2. The District Magistrate, Sitamarhi.
3. The Sub-Divisional Officer, Sitamarhi Sadar, District- Sitamarhi.
4. The Circle Officer, Bajpatti, District- Sitamarhi.
5. Budhan Baitha Son of Gachhi Tola Naraha, P.S. Bajpatti, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra, Advocate
For the Respondent/s : Mr. AG

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 24-04-2023 Heard learned counsel for the petitioner and learned
counsel for the respondent State of Bihar. No one appears on
behalf of the respondent no. 5.

Petitioner has filed the instant application for the
following relief(s) :-

“1. That this is an application on behalf
of the petitioner for issuance a writ, order or
direction including a writ in the nature of
mandamus commanding the respondent No. 1 to 4
to take appropriate action against the respondents
No. 5 for remove the illegal construction in path of
the petitioner in Khata No. 1620 Plot No. 5638
Halka No. 5, village Gachhitola Naraha, Bajpatti
Anchal Bajpatii, District Sitamarhi and issuance a



writ order or direction in the nature of mandamus commanding the respondents to not construct any type of hut in the future in the public land and/or may be pass other and further order which the petitioners are entitled to”

The case of the petitioner in brief is that the private respondent no. 5 who happens to be a parcha holder had encroached upon the public land. In spite of the representations having been filed by the petitioner before the respondent authorities, no action has been taken by them, thus compelling the petitioner to file the instant writ application for the relief stated hereinabove.

Having heard learned counsel for the parties and having perused the material on record, taking into consideration that as per the petitioner's case the respondent no. 5 has encroached upon the public land, this writ application is disposed of giving liberty to the petitioner to move before the respondent authority by filing an appropriate application under the Bihar Public Encroachment Land.

In case such a petition is filed, the respondent authority shall consider the same, hear all the concerned parties and pass appropriate orders at the earliest preferably within a period of six months from the date of its filing.



The writ application stands disposed of with the above observations and directions.

(Partha Sarthy, J)

Prakash/-

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