

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3189 of 2023

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Dinesh Ray Son of Nand Ray Resident of Village- Sakhuaniya, P.S.-
Shikarpur, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Collector, West Champaran.
3. The Sub-Divisional Officer, Narkatiyaganj, West Champaran.
4. The Circle Officer, Narkatiyaganj, West Champaran.
5. Laleshwar Ray, Son of Late Barhu Ray Resident of Village- Sakhuaniya,
P.S.- Shikarpur, District- West Champaran.
6. Ramji Ray, Son of Late Barhu Ray Resident of Village- Sakhuaniya, P.S.-
Shikarpur, District- West Champaran.
7. Sharwan Ray, Son of Late Madan Ray Resident of Village- Sakhuaniya,
P.S.- Shikarpur, District- West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava, Advocate

For the Respondent/s : Mr.Md. Khurshid Alam (Aag 12)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 12-07-2023 The present writ petition has been filed seeking the
following relief:-

*“That this writ petition is being filed for
issuance of a direction/ order or an appropriate
writ for directing the respondent authorities to
remove waste material which is lying on the
way and in this regard the authority concerned*



has already vacated the illegal encroachment on 28.06.2022 in Encroachment Case No. 08 of 2021-22 in which the respondent nos. 5 to 7 have already been encroached the public way in Khata No. 260, Plot No. 718, Thana No. 264 at Mauza Sakhuaniya measuring area 11 decimals of public way and after removal of encroachment the respondent no.5 to 7 again encroached the said public way.”

The learned counsel for the petitioner has submitted that the aforesaid encroachment case in question had culminated into passing of the final order by the Circle Officer, Narkatiyaganj, West Champaran, however, after demolition of the encroachment made by the encroachers, debris has not been removed, and in fact, the encroachers are again seeking to make encroachment, hence directions be issued for removal of the debris.

Having regard to the limited prayer made by the petitioner, in the present writ petition, I deem it fit and proper to dispose off the present writ petition with a direction to the Circle Officer, Narkatiyaganj, West Champaran to consider the application, to be filed by the petitioner within a period of four weeks from today and ensure that appropriate action is taken for removal of the encroachment, in accordance with law,



forthwith.

The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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