

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4546 of 2022

Shankar Kumar, son of Late Hari Narayan Prasad, Resident of Village and P.O.-Chhajan, Hari Shankar, West, Police Station-Kudhani (Turki O.P.), District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate cum Collector, District Muzaffarpur.
4. The Senior Superintendent of Police, District-Muzaffarpur.
5. The Sub Divisional Officer, Muzaffarpur West, District-Muzaffarpur.
6. The Deputy Collector, Land Reforms, Muzaffarpur West, District-Muzaffarpur.
7. The Circle Officer, Circle Kudhani, District-Muzaffarpur.
8. The Officer in Charge, Police Station-Kudhani, (Turki O.P.) District-Muzaffarpur.
9. Raj Kishore Sah, son of Late Ramashray Sah, Resident of Village-Chhajan, Harishankar, Police Station-Kudhani (Turki O.P.) District-Muzaffarpur.
10. Sanjay Kumar, son of Ram Narain Sah, Resident of Village-Chhajan, Harishankar, Police Station-Kudhani (Turki O.P.) District-Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Upendra Kumar Chaubey, Advocate
For the State	:	Mr.Sajid Salim Khan (Sc 25)
For respondent no.10	:	Mr. Dronacharya, Sr. Advocate
		Mr. Ram Shankar Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 23-01-2023 Heard Mr. Upendra Kumar Chaubey, learned counsel appearing on behalf of petitioner, Mr. Dronacharya, learned Senior Counsel appearing on behalf of respondent no.10 and Mr. Sajid Salim Khan, learned SC-25 appearing for the State.

2. Learned counsel appearing on behalf of the petitioner submitted that he has not received any instruction



from his client as to whether the encroachment made on Khata No. 2720 Plot no. 11300, which has been recorded in revisional survey as road, has been removed by the State authority.

3. Mr. Sajid Salim Khan, learned SC-25 appearing on behalf of respondent Nos. 1 to 8 submitted that he is also required to seek instruction to that effect.

4. Sri Dronacharya, learned Senior Counsel appearing on behalf of respondent no.10 informs this Court that he has filed counter affidavit in the present case and have stated that with respect to the land in question Title Suit No. 539 of 2021 is pending and he has also filed Title Suit No. 216 of 2022 with respect to One decimal of land, which has been incorrectly mapped in the name of Bihar Sarkar. All the Title Suits are pending in the Court of learned Sub-Judge-I, West Muzaffarpur. The respondent No.10 also filed Encroachment Appeal No. 05 of 2021-22 before the Collector, Muzaffarpur under the provision of Section 11 of the Bihar Public Land Encroachment Act, 1956 against the order passed in Encroachment Case No. 3 of 2021-22.

5. At this stage, learned counsel appearing on behalf of the State submitted that if the petitioner is aggrieved by any act of the Circle Officer, Kudhani, he may file appeal before the



Collector with respect to any public road, which has been encroached by the respondent No.10 and the encroachment has not been removed till date.

6. Considering the rival submission of the parties, the present writ petition is disposed of with a direction that the aggrieved parties may file their respective Appeal against the order of the Circle Officer before the District Magistrate, Muzaffarpur. The District Magistrate-cum-Collector, Muzaffarpur to give proper opportunity of hearing to the parties and after entertaining the petition filed on behalf of the petitioner, he is directed to dispose of the appeal by passing a reasoned order within a period of six weeks from the date of production of the order.

7. With the above observations and directions, the present writ application stands disposed of.

(Purnendu Singh, J)

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