

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3929 of 2023

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Tribhuwan Prasad Sharma S/o Late Ram Charitra Singh, R/o Village-
Deodaha, P.S.- Dhanarua, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Divisional Commissioner, Patna Division at Patna.
3. The Collector, Patna, District- Patna.
4. Dy. Development Commissioner, Patna.
5. The Senior Superintendent of Police Patna, District- Patna.
6. The Sub-Divisional Officer, Masaurhi, District- Patna.
7. The Block Development Officer, Dhanarua, District- Patna.
8. The Circle Officer, Dhanarua, District- Patna.
9. The Station House Officer, Dhanarua, District- Patna.
10. Mukhiya, Gram Panchayat Raj Deodaha, P.S.- Dhanarua, District- Patna.
11. Satish Kumar Verma S/o Late Chamari Prasad, Resident of Village-
Deodaha, P.S.- Dhanarua, District- Patna.
12. Jai Prakash Narain S/o Late Chamari Prasad, Village- Deodaha, P.S.-
Dhanarua, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mrs.Prakritita Sharma, Advocate
For the Respondent/s	:	Mr.Raj Kishore Roy (GP-18)
		Mr. Navnit Kumar, AC to GP-18

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-10-2023 The present writ petition has been filed
seeking the following reliefs:-

*“1. (a) For directing the respondent
no. 8 the Circle Officer to remove
the encroachments in compliance of
the orders passed by the
respondent no. 3 the District
Magistrate vide his Letter no. 1220*



dated 04.05.2018 as well as the order issued by the respondent No. 6 the Sub Divisional Officer, Masaurhi, Patna vide his letter no. 149 dated 06.07.2019

(b) For further direction to the respondents to ensure not to change the status of the drainage which is existing more than 100 years to drain out the water of the petitioner and other villagers towards western to northern side over Khata No. 780, Plot No. 2064, Area 3 decimal, and Khata No. 297 Plot No. 2067 Area 4 decimal, situated in village- Deodaha, Thana No. 116, Anchal Dhanarua, District-Patna.

(c) For a direction to the respondents to construct a Pacca Nala (Drain) so that encroachment could not be done in future."

2. At the outset, the learned counsel for the petitioner submits that the Circle Officer, Dhanarua, District-Patna has passed the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 in connection with



Encroachment Case No. 2 of 2015-16 on 24.12.2016, which was challenged by the encroachers by filing an appeal bearing Appeal Case No. 7 of 2018-19 and the same has also stood dismissed vide order dated 17.02.2023, passed by the learned Collector-cum-District Magistrate, Patna, hence it is submitted that the District Magistrate, Patna be directed to remove the encroachment in question.

3. If that be the case, the learned counsel for the respondent-State submits that appropriate action shall be taken to remove the encroachment in question.

4. It is directed accordingly.

5. In order to facilitate expeditious redressal of the grievance of the petitioner, I deem it fit and proper to grant liberty to the petitioner to approach the District Magistrate, Patna by filing appropriate representation, annexing the aforesaid orders, within a period of four weeks from today, whereupon the District Magistrate, Patna shall take appropriate action, in accordance with law, within



a period of four weeks thereafter.

6. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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