

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6603 of 2023**

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Braj Kishor Roy, Son of Late Ambika Roy Resident of Village Thepahan Raja Ram, Anchal Jiradei, P.S. Jiradei, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Executive Engineer, Rural Works Department, Siwan.
3. The District Magistrate-cum-Collector, Siwan.
4. The Additional Collector, Siwan.
5. The Deputy Development Commissioner, Siwan.
6. The Sub-Divisional Officer, Siwan.
7. The Circle Officer, Jiradei, District- Siwan.
8. Om Prakash Yadav, Son of Late Banka Yadav Resident of Village Thepahan Raja Ram, Anchal Jiradei, P.S. Jiradei, District- Siwan.
9. Dinesh Yadav, Son of Late Baijnath Yadav Resident of Village Thepahan Raja Ram, Anchal Jiradei, P.S. Jiradei, District- Siwan.
10. Ashok Kumar Yadav, Son of Late Nandlal Yadav Resident of Village Thepahan Raja Ram, Anchal Jiradei, P.S. Jiradei, District- Siwan.
11. Raghunath Choudhary, Son of Late Sitaram Choudhary Resident of Village Thepahan Raja Ram, Anchal Jiradei, P.S. Jiradei, District- Siwan.
12. Kamlesh Yadav, Son of Ramnath Yadav Resident of Village Thepahan Raja Ram, Anchal Jiradei, P.S. Jiradei, District- Siwan.
13. Dudhnath Choudhary, Son of Late Sheodhari Yadav Resident of Village Thepahan Raja Ram, Anchal Jiradei, P.S. Jiradei, District- Siwan.
14. Premkant Yadav, Son of Sheoji Yadav Resident of Village Thepahan Raja Ram, Anchal Jiradei, P.S. Jiradei, District- Siwan.
15. Shashi Yadav, Son of Late Ramdeo Yadav Resident of Village Thepahan Raja Ram, Anchal Jiradei, P.S. Jiradei, District- Siwan.
16. Raghunath Choudhary, Son of Late Sitaram Choudhary Resident of Village Thepahan Raja Ram, Anchal Jiradei, P.S. Jiradei, District- Siwan.
17. Harishankar Yadav, Son of Late Ramashray Yadav Resident of Village Thepahan Raja Ram, Anchal Jiradei, P.S. Jiradei, District- Siwan.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Naresh Prasad, Advocate  
For the Respondent/s : Mr.Archana Meenakshee ( Gp 6 )

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**



ORAL ORDER

2     29-08-2023     1.             The present writ petition has been filed seeking the following reliefs:-

"(i) To issue an appropriate writ/writs, order/orders, direction/ directions in the nature of writ of mandamus for commanding/directing the respondents to remove the encroachment from the public road bearing Khata No.539, Survey No.312, Area 18 Kathas 06 Dhurs mentioned in Khatian as Aam Gairmazarua road done by the private respondent No. 8 to 17 by putting Nad, Khuta, Khop and constructing houses and boundary wall situated in the Village Thepahan Raja Ram, Anchal Jiradei, P.S. Jiradei, District Siwan;

(ii) To issue an appropriate writ/writs, order/orders, direction/ directions for commanding/directing the respondents to remove the public soiling road from the Raiyati Land of the petitioner bearing Khata No. 12, Survey No. 284 and Khata No. 2, Survey No. 286 and construct the public road on Khata No.539, Survey No. 312 which is mentioned in Khatian as Gairmazarua Aam Rasta situated in the Village Thepahan Raja Ram, Anchal Jiradei, P.S. Jiradei, District Siwan."



2. At the outset, learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the Circle Officer, Jiradei, District-Siwan for redressal of his aforesaid grievances. Liberty so sought is granted.

3. It is needless to state that in case, the petitioner approaches the Circle Officer, Jiradei, District- Siwan by filing appropriate petition under the provisions of the Bihar Public Land Encroachment Act, 1956, within a period of four weeks from today, the same shall be considered, in accordance with law and after hearing the affected parties, appropriate orders shall be passed thereon, forthwith.

4. The present writ petition stands disposed off on the aforesaid terms.

**(Mohit Kumar Shah, J)**

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