

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8591 of 2022

Hari Lal Sahani S/o Late Ram Krishna Sahani Resident of Ward No.-6, Narhan, P.S.-Bibhutipur, District-Samastipur At Present Ward No.-08, Lane No.-1, Tajpur Road, Professor Colony, P.S.-Samastipur town, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Commissioner, Darbhanga.
3. The Collector, Samastipur.
4. The Additional Collector, Samastipur.
5. Sub-Divisional Officer, Rosera, District-Samastipur.
6. The Block Development Officer, Bibhutipur Block, District-Samastipur.
7. The Circle Officer, Bibhutipur Circle, District-Samastipur.
8. The S.H.O.. Bibhutipur Police Station District-Samastipur.
9. The Mukhiya, Gram Panchayat Raj Narhan, P.S.-Bibhutipur, District-Samastipur.
10. Ranjan Sahani Son of Late Muneshwar Sahani, Resident of Ward No-6, Narhan, P.S.-Bibhutipur, District-Samastipur.
11. Birju Sahani Son of Late Muneshwar Sahani, Resident of Ward No-6, Narhan, P.S.-Bibhutipur, District-Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar Jha, Advocate
For the Respondent/s : Mr.Rishi Raj Sinha (Sc19)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 31-07-2023 The present writ petition has been filed seeking the following relief:-

“1. That, this writ application is being filed for issuance of writ in the nature of Mandamus or any other appropriate order/ orders, direction/ directions for commanding the respondents to ensure smooth movement of vehicles on the lane constructed under



Mukhyamantri Gali-Nali Yojana (herein after referred to as the Yojana) which has deliberately been encroached and damaged by the respondent nos, 10 and 11 and a wall has been erected obstructing movement in the lane.

This writ application is also being filed for a direction to the respondents to ensure that the cost of damaged lane, damaged by the respondent nos.10 and 11, be assessed and realize the same from the respondent nos. 10 and 11 and also pack the paver block from cement as per the letter dt. 28.04.2022 addressed to the technical assistant to the Gram Panchayat.

This writ application is also being filed for other reliefs as well.

At the instance of the villagers of ward no.6 of Narhan Gram Panchayat, the construction of RCC lane and drainage pipe was initiated in the year, 2019-20. At both of the end of the lane, Paver block was placed so that the drainage pipe line may not be damaged as also for safety of the inhabitants, however at the terminating point not only the lane was damaged but the paver blocks were also removed and also a wall was erected at the instance of respondent nos.10 and 11. Against the damage of the lane and encroachment thereof, the petitioner along with other villagers filed a complaint to the higher authorities and also the Block Development Officer and the Circle Officer on 01.03.2021 which was duly forwarded by the Mukhiya of the Gram



Panchayat. Application was also sent to the Mukhiya vide application dt. 09.02.2021 requesting her to get the encroachment remove and repairing of damaged lane followed by representation to the higher authority including the Chief Secretary.

The petitioner also raised his/ their grievances before the Janta Darbar held before the local Police on 20.03.2021 wherein direction was given to the respondent nos. 10 and 11 to remove the encroachment over the lane.

The petitioner along with the locals also approached the respondent Block Development Officer whereupon the Block Development Officer got a report from Halka Karamchari who reported encroachment over the lane whereupon the Block Development Officer vide letter dt. 28.04.2022 directed the Technical Officer to assess the cost of damage so that the same may be realized from the encroachers. Still encroachers are enjoying the encroached area compelling the petitioner to again move before the respondent Block Development Officer representation for spot enquiry vide representation dt.21.05.2022 which is pending. The right of free and smooth movement of the people of the locality over the lane, constructed under Government Yojana, is being obstructed at the instance of the respondent no.10 and 11.”

At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the Circle



Officer, Bibhutipur Circle, District-Samastipur, for redressal of his aforesaid grievance. Liberty so sought is granted.

It is needless to state that in case the petitioner approaches the Circle Officer, Bibhutipur Circle, District-Samastipur, 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.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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