

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10829 of 2022

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Pawan Kumar Jha son of Sri Lal Jha, resident of Basaith Chandpura (Ward No. 3), Police Station- Benipatti, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Secretary, Water Resources Department, Bihar, Patna.
3. The Executive Engineer, Flood Control Project Monitoring Circle, Water Resources Department, Patna.
4. The Collector-cum- D.M., Madhubani.
5. The Executive Engineer, Flood, Control Divn. 1, Jhanjharpur.
6. The Sub- Divisional Officer, Benipatti, District- Madhubani.
7. The Land Reforms Deputy Collector, Benipatti, Madhubani.
8. The Circle Officer, Benipatti, District- Madhubani.
9. The Officer, Incharge, Benipatti, P.S. and District- Madhubani.
10. Rama Raut son of Late Gopal Raut resident of Village- Banpura, East, P.O.- Dhanush Chandpuri, Police Station- Benipatti, District- Madhubani.
11. Saini Raut son of Late Nepal Raut resident of Village- Banpura, East, P.O.- Dhanush Chandpuri, Police Station- Benipatti, District- Madhubani.
12. Hare Ram Raut son of Late Nirdhan Raut resident of Village- Banpura, East, P.O.- Dhanush Chandpuri, Police Station- Benipatti, District- Madhubani.
13. Dani Raut son of Late Palki Raut resident of Village- Banpura, East, P.O.- Dhanush Chandpuri, Police Station- Benipatti, District- Madhubani.
14. Mahinder Sah son of Late Sitai Sah resident of Village- Banpura, East, P.O.- Dhanush Chandpuri, Police Station- Benipatti, District- Madhubani.
15. Yugal Raut son of Late Gobardhan Raut resident of Village- Banpura, East, P.O.- Dhanush Chandpuri, Police Station- Benipatti, District- Madhubani.
16. Subhash Rai son of Late Rameshwar Raut resident of Village- Banpura, East, P.O.- Dhanush Chandpuri, Police Station- Benipatti, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Aditya Nath Jha,Advocate
For the Respondent/s : Mr.Vikash Kumar,SC-11

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-05-2023

The present writ petition has been filed



seeking the following relief:-

“1. That this application is being filed for issuance of an appropriate writ/ writs, commanding/directing the respondents to remove the encroachment made by different persons including private respondents upon "Ring Bandh" which is a public land situated in the village Chanpura in Benipatti police station of District-Madhubani which has been constructed by Water Resources Deptt. on Govt. land bearing Thana No. 131, Khata No. 523, corresponding to different plot numbers including khesra No. -1118 & 1119 and same being used as Aam Rasta of people belongs to different village of locality including petitioner.”

At the outset, the learned counsel for the respondent-State seeks to file a supplementary counter affidavit, which is taken on record. In the said supplementary counter affidavit, it has been stated that the encroachment appeal in question i.e. the one bearing Encroachment Appeal No. 14 of 2019-20, has already stood rejected by an order dated 04.05.2023, passed by the District Magistrate, Madhubani, hence,



appropriate action would definitely be taken for removal of the encroachment in question, within a stipulated time frame.

Having regard to the aforesaid facts and circumstances of the case, I deem it fit and proper to dispose off the present writ petition with a direction to the District Magistrate, Madhubani to take appropriate action, in accordance with law, in furtherance of the dismissal of the encroachment appeal of the encroachers, by removing the encroachment in question, forthwith.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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