

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14438 of 2022

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Surendra Prasad S/o Hiralal Mahto, Resident of Village- Bagahi
Baghambbarpur, Uchawa Tola, P.S.- Srinagar (Pujaha), Dist.- West
Champaran. Petitioner/s

Versus

1. The State of Bihar through the Collector-cum- District Magistrate, West Champaran at Bettiah.
2. The Collector-cum- District Magistrate, West Champaran at Bettiah.
3. The Additional Collector, Bettiah, West Champaran.
4. The Sub- Divisional Officer, Bettiah Sadar, Bettiah, Dist.- West Champaran.
5. The Circle Officer, Bairiya Block, Bairiya, District- West Champaran.
6. The Superintendent of Police, Bettiah, West Champaran.
7. The Officer-in- Charge, Bairiya Police Station, Bairiya, District- West Champaran.
8. Braj Kishore Prasad, son of Late Laxman Mahto, Resident of Village- Bagahi Baghambbarpur, Uchawa Tola, P.S.- Srinagar (Pujaha), Dist.- West Champaran.
9. Nand Kishore Prasad, son of Late Laxman Mahto, Resident of Village- Bagahi Baghambbarpur, Uchawa Tola, P.S.- Srinagar (Pujaha), Dist.- West Champaran.
10. Jai Prakash Prasad, son of Late Laxman Mahto, Resident of Village- Bagahi Baghambbarpur, Uchawa Tola, P.S.- Srinagar (Pujaha), Dist.- West Champaran.
11. Sambhu Prasad, son of Late Laxman Mahto, Resident of Village- Bagahi Baghambbarpur, Uchawa Tola, P.S.- Srinagar (Pujaha), Dist.- West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate
For the Respondent/s : Mr.Raj Kishore Roy, (GP 18)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-03-2023 The present writ petition has been filed seeking the
following relief:-

*“(i) To remove all encroachment done by the private
respondents over a piece of Gairmajarua Aam Land
(Public Road) appertaining to Khata No.08, Plot*



NO. 2352/1 and 2355/1 measuring 0.05 acre falling within Patgirua Mauza of Bairiya Block under West Champaran District as the land in question is a public road and on account of the encroachment in question the people at large and the petitioner in particular is facing serious inconvenience.

(ii) To hold that the aforesaid land is a public road and the same has been encroached upon by the private respondents in an illegal manner.”

At the outset, the learned counsel for the petitioner has submitted that the Circle Officer, Bettiah, District-West Champaran has already initiated encroachment proceedings vide Encroachment Case No. 21 of 2017-18, however, still the encroachment in question has not been removed.

Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the District Magistrate, West Champaran at Bettiah to ensure that the aforesaid encroachment proceedings are taken to its logical conclusion and a final decision is taken, in accordance with law and after hearing the affected parties, within a period of four weeks from today.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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