

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13000 of 2023

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Aastik Kumar Jha S/o Late Anand Mohan Jha, Residing at Village-
Ramnagar, P.O-Parjuar, P.S-Arer, Benipatti, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Madhubani.
2. The Collector, Madhubani.
3. The Sub-Divisional Magistrate, Madhubani.
4. The Circle Officer, Benipatti, Madhubani.
5. Sri Mithilesh Jha S/o Late Rameshwar Jha Resident of Village- Ramnagar, P.O-Parjuar, P.S- Arer, Benipatti, District- Madhubani.
6. Saryug Jha S/o Late Anup Jha Resident of Village- Ramnagar, P.O-Parjuar, P.S- Arer, Benipatti, District- Madhubani.
7. Ramesh Jha S/o Late Jogi Jha Resident of Village- Ramnagar, P.O-Parjuar, P.S- Arer, Benipatti, District- Madhubani.
8. Naveen Jha S/o Late Mahendra Jha Resident of Village- Ramnagar, P.O-Parjuar, P.S- Arer, Benipatti, District- Madhubani.
9. Vinod Thakur S/o Late Bhogi Thakur Resident of Village- Ramnagar, P.O-Parjuar, P.S- Arer, Benipatti, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Avinash Kumar, Adv.
For the Respondent/s : Mr.Sajid Salim Khan, SC-25
Mr.Arif Daula Siddiqui, AC to SC-25

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 16-10-2023 1. The present writ petition has been filed seeking the
following relief(s):-

*“1.a. For issuance of appropriate writ/writs,
direction/ directions in the nature of Mandamus or
Writs, order or orders for directing the respondents
to take steps to get the Encroachment removed, made
by the private Respondents over the Public Road
situated over Mauja- Parjuar, Thana no.-208, Khata*



no.-1730, Khesra No.- 6184, 6192, 6194 and 6210, by making permanent construction particularly at the turning/entry point making it very narrow and thus causing great hindrance in free flow of the vehicles and other essential services to reach at the place, where services of the kinds are necessitated in the case of emergencies/exigencies, affecting their valuable right protected under the law.

b. For further kind indulgence of this Hon'ble court to look into the matter and the concerned respondents may be directed to produce all connected records for perusal of the same for passing an appropriate order as to why even after the report of the Amin having been submitted, no steps under the statute have been taken till date.”

2. At the outset, the learned counsel for the respondent-State seeks to file a counter affidavit, which is taken on record, wherein it has been admitted that no order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the ‘Act, 1956’), has been passed by the Circle Officer, Benipatti, District-Madhubani, in connection with Encroachment Case No. 47 of 2022-23, by which encroachment proceedings have been initiated against the encroachers of plot no.6184, hence a fresh notice under Section 3 of the Act, 1956, has been now issued to the encroachers, however, before passing the order under Section 6(1) of the Act,



1956, fresh measurement of the land in question shall be conducted and only then the final order under Section 6(1) of the Act, 1956, shall be passed.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Circle Officer, Benipatti, District-Madhubani, to conduct a fresh measurement of the land in question and after seeking objections of the encroachers, if not already sought, in connection with Encroachment Case No.47 of 2022-23, he shall pass the final order under Section 6(1) of the Act, 1956.

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

(Mohit Kumar Shah, J)

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