

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15591 of 2022

Chandrashekhar Prasad Garg Son of Late Ram Lakhan Prasad, Resident of Mohalla-Mangal Bazar, Nabinagar, P.S. Nabinagar, District-Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Government of Bihar, Patna.
2. The Commissioner Magadh Division, Gaya.
3. The District Magistrate, Aurangabad.
4. The Superintendent of Police, Aurangabad.
5. The D.C.L.R, Aurangabad.
6. The Circle Officer, Nabinagar, Aurangabad.
7. The Station House Officer, Nabinagar, Aurangabad.
8. Ajay Yadav, son of Late Sakal Yadav, resident of Village-Bhawanokhap, P.S.-Nabinagar, District-Aurangabad.
9. Shiv Narayan Yadav, son of Late Kuldip Yadav, resident of Village-Bhawanokhap, P.S.-Nabinagar, District-Aurangabad.
10. Munni Yadav, son of Late Kuldip Yadav, resident of Village-Bhawanokhap, P.S.-Nabinagar, District-Aurangabad.
11. Gopal Yadav, Son of Late Ram Prasad Yadav, resident of Village-Bhawanokhap, P.S.-Nabinagar, District-Aurangabad.
12. Parikha Yadav, son of Munni Yadav, resident of Village-Bhawanokhap, P.S.-Nabinagar, District-Aurangabad.
13. Ram Ji Yadav, Son of Munni Yadav, resident of Village-Bhawanokhap, P.S.-Nabinagar, District-Aurangabad.
14. Nanhu Yadav, Son of Late Musan Yadav, resident of Village-Bhawanokhap, P.S.-Nabinagar, District-Aurangabad.
15. Karu Yadav, son of Late Musan Yadav, resident of Village-Bhawanokhap, P.S.-Nabinagar, District-Aurangabad.
16. Ram Dayal Singh, son of Late Ram Karan Singh resident of Village-Bhawanokhap, P.S.-Nabinagar, District-Aurangabad.
17. Pukar Singh, son of Late Shiv Sharan Singh, resident of Village-Bhawanokhap, P.S.-Nabinagar, District-Aurangabad.
18. Ganesh Yadav, Son of not known, resident of Village-Bhawanokhap, P.S.-Nabinagar, District-Aurangabad.
19. Dhiru Singh, son of Ram Kripal Singh, resident of Village-Bhawanokhap, P.S.-Nabinagar, District-Aurangabad.
20. Ajit Singh, son of Ram Dayal Singh, resident of Village-Bhawanokhap, P.S.-Nabinagar, District-Aurangabad.
21. Pukar Singh, Son of Shiv Sharan Singh, resident of Village-Bhawanokhap, P.S.-Nabinagar, District-Aurangabad.



22. Munni Yadav, son of Late Kuldip Yadav, resident of Village-Bhawanokhap,
P.S.-Nabinagar, District-Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Pandey
For the Respondent/s : Mr.Sheo Shankar Prasad (Sc 8)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-05-2023 The present writ petition has been filed seeking the
following relief:-

“1. That this instant writ application has been filed for issuance of appropriate writ/writs, order/orders, direction/directions in the nature of mandamus commanding and directing the respondents authorities specially respondent no. 3 to 6, to remove the encroachment made over on the road of village Bhawanokhap by private respondents which is used as road at the village since time immemorial appertaining to land bearing thana no. 117, Khata no. 23, Plot no. 51, 52, 53 area- 41 decimal, 80 decimal, 57 decimals, respectively, which has been encroached by the private respondent no. 8 to 22 and after filing the representation by the petitioner to take a legal action, thereafter notices have been issued to the general public who have encroached the land but till date no action has been taken uptill now though land in question is recorded as aam Gairmajarua amm land /land of District Board in the record as per recorded of by state government and Surve Khatian.



Petitioner further seeks any other reliefs for which they are found in entitle in the eyes of law and in the facts and circumstances of the present case.”

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