

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24710 of 2019

1. Vinod Kumar Singh S/o Late Raghunandan Singh Resident of Mohalla Gandhi Nagar, Ward No.33, P.S. Aurangabad Town and District Aurangabad
2. Arun Kumar Vishwakarma S/o Bharat Mistry Resident of Mohalla Gandhi Nagar, Ward No.33, P.S. Aurangabad Town and District Aurangabad
3. Jitendra Kumar S/o Sri Alakhdev Sharma Resident of Mohalla Gandhi Nagar, Ward No.33, P.S. Aurangabad Town and District Aurangabad
4. Ishwari Prasad S/o Late Harihar Prasad Resident of Mohalla Gandhi Nagar, Ward No.33, P.S. Aurangabad Town and District Aurangabad
5. Pradeep Kumar Singh S/o Sri Lakhan Singh Resident of Mohalla Gandhi Nagar, Ward No.33, P.S. Aurangabad Town and District Aurangabad
6. Ashok Singh S/o Raghu Bans Singh Resident of Mohalla Gandhi Nagar, Ward No.33, P.S. Aurangabad Town and District Aurangabad
7. Satyendra Thakur S/o Ram Chandra Thakur Resident of Mohalla Gandhi Nagar, Ward No.33, P.S. Aurangabad Town and District Aurangabad
8. Sudhir Singh S/o Prasidh Singh Resident of Mohalla Gandhi Nagar, Ward No.33, P.S. Aurangabad Town and District Aurangabad
9. Mithlesh Sharma S/o Late Ganga Sharma Resident of Mohalla Gandhi Nagar, Ward No.33, P.S. Aurangabad Town and District- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reform, Govt. of Bihar, Patna
2. The District Magistrate, Aurangabad
3. The Additional District Magistrate, Aurangabad
4. The Sub-Divisional Officer, Aurangabad
5. Thue Deputy Collector Land Reform, Aurangabad (Aurangabad)
6. The Circle Officer, Circle Aurangabad (Aurangabad)
7. Ranvijay Kumar Singh S/o Late Bhagwat Singh Resident of Mohalla Gandhi Nagar, Ward No. 33, P.S. Aurangabad Town and Dist. Aurangabad
8. Sangeeta Devi W/o Sri Ranvijay Singh Resident of Mohalla Gandhi Nagar, Ward No. 33, P.S. Aurangabad Town and Dist. Aurangabad
9. Avdhesh Singh S/o Late Yamuna Singh Resident of Mohalla Gandhi Nagar, Ward No. 33, P.S. Aurangabad Town and Dist. Aurangabad
10. Sharda Devi W/o of Vishwanath Singh Resident of Mohalla Gandhi Nagar, Ward No. 33, P.S. Aurangabad Town and Dist. Aurangabad

... .. Respondent/s

Appearance:

For the Petitioner/s : Mr. Anirudh Kumar Verma, Advocate
For the Respondent/s : Mr. Rishi Raj Sinha (Standing Counsel-19)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER



4 08-08-2023 1. The present writ petition has been filed seeking the following relief:-

“(1) That this petition is being filed for direction to the concerned authorities to remove encroachment over the Public land being used as Rasta situated in Mohalla Gandhi Nagar, under ward No. 33, Aurangabad Town, Circle- Aurangabad (Aurangabad) who are not complying the order dated 24.09.18 passed by Sub Divisional Public Grievance Redressal Authority, Aurangabad whereby it has been categorical held that encroachment has been done as per the report submitted by the Circle Amin observing that the concerned Circle Officer is not taking proper step and further for direction to the concerned authority to remove encroachment over the public land by initiating encroachment proceeding under the Bihar Public Land Encroachment Act.”

2. Though the learned counsel appearing for the respondent-State has pointed out that the



private respondents have preferred Jamabandi Cancellation Appeal Cases before the learned Court of District Magistrate-cum-Collector, Aurangabad, however, the learned counsel for the petitioner has submitted that all the Jamabandi Cancellation Appeals have been dismissed in the year 2018 itself, hence the respondents be directed to take appropriate steps for removal of the encroachment in question.

3. Having regard to the facts and circumstances of the case, this Court deems it fit and proper to direct the respondent authorities to take recourse to the due process of law for the purposes of removal of the encroachment made over the public land in question, in case the Jamabandi Cancellation Appeals, filed by the encroachers, have been dismissed.

4. Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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