

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16035 of 2022

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Saroj Kumar Mishra son of Late Paras Mishra, Permanent resident of Village-Pakadi, P.S.-Mohammadpur, District-Gopalganj, presently residing at Mohalla-Ram Krishna Nagar, Near L.P. Shahi College, Patna, P.O.-New Jaganpura, P.S.-Ram Krishna Nagar, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Development Department, Govt. of Bihar, Patna.
3. The Collector, District-Gopalganj.
4. The Block Development Officer, Sidhwalia Block, District-Gopalganj.
5. The Circle Officer, Sidhwalia Circle Office, Sidhwalia, District-Gopalganj.
6. The Officer Incharge, Mohammadpur Police Station, District-Gopalganj.
...Respondents.
7. Kashi Thakur, S/o Mukhdeo Thakur, resident of Village-Pakadi, P.O.-Jhanjhawa Bazar, P.S. Mohammadpur, District-Gopalganj.
8. Deo Nath Thakur, S/o Mukhdeo Thakur, resident of Village-Pakadi, P.O.-Jhanjhawa Bazar, P.S. Mohammadpur, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raj Kumar Mishra, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (Sc 25)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 04-07-2023

The present writ petition has been filed seeking the following relief:-

“A writ of Mandamus or any appropriate writ, order(s), direction(s) to commanding the respondents to remove the encroachment of land which is situated under Sidhwalia Block, P.S. Mohammadpur, District- Gopalganj bearing Thana No. 392, Khata No.132, Khesra



No. 978, Area 0.43 decimal.”

2. The learned counsel for the respondent-State has submitted by referring to the counter affidavit that the encroachment made over the public land in question appertaining to Thana No.392, Khata No.132, Khesra No.978, area 0.43 decimal, situated under Sidhwalia Block, P.S. Mohammadpur, District- Gopalganj has been removed after following the due process of law i.e. upon initiation of encroachment proceedings, vide Encroachment Case No.16 of 2022-23 and passing of the final order by the Circle Officer, Sidhwalia. It is further stated in the counter affidavit filed in the present case that the Circle Officer, Sidhwalia has also communicated to the SHO, Mohammadpur that though encroachment has already been removed from the public land in question, however, since there is chance of re-encroachment, proper surveillance be maintained.

3. The learned counsel for the petitioner submits that though it is true that the encroachment was removed from the public road in question, however, the same has again resurfaced, hence dereliction on the part of the Officer-in-Charge of Mohammadpur Police Station is writ large from the records.

4. Having regard to the facts and circumstances of the



case, I direct the District Magistrate, Gopalganj and the Officer-in-Charge, Mohammadpur Police Station, District- Gopalganj to ensure removal of resurfaced encroachment in question, within a period of six weeks from today, by taking recourse to the due process of law, failing which they shall not draw their salary.

5. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.08.2023
Transmission Date	NA

