

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.321 of 2023

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Jawahar Shahi son of Ram Nandan Shahi, resident of Village- Madhuban
Besi, Ward No- 11, P.S.- Aurai, Dist- Muzafferpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The Superintendent of Police, Muzafferpur.
4. The Sub Divisional Officer, East Muzafferpur.
5. The Circle Officer, Aurai, Muzaffarpur.
6. The Police Officer In Charge, Aurai Police Station, Muzaffarpur.
7. Ramdayal Thakur, son of Mushahar Thakur residence of Village- Madhuban
Besi, P.S. Aurai, District- Muzafferpur.

... .. Respondent/s

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Appearance:

For the Petitioner/s	:	Mr.Ranjeet Kumar Mishra, Advocate Mr. Shailesh Kumar, Advocate
For the Respondent/s	:	Mr.Md. Khurshid Alam (AAG-12)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-08-2023 1. The present writ petition has been filed
seeking the following reliefs:-

“1. i. For issuance of appropriate writ/writs in the nature of Mandamus directing the respondents to remove the encroachment of the public road existing over the Khesra No-1350,Thana No-07, village-Madhuban Besi, Aurai, Muzaffarpur recorded as a Bihar Government Road which has been encroached by one of the villager namely Ramdayal Thakur and



stopped the public road and used the road land in the personal gain.

ii. For the further direction/directions to the respondent authority to restore the earlier Encroachment Case No-03/2021, which was initiated land encroachment preceding under Bihar Public Land Encroachment Act, 1956, and further take appropriate action for removal of encroachment on the alleged public road again encroached by the villager namely Ramdayal Thakur.

iii. For issuance of direction/directions to the respondent no-1 to take action against the erring officials who have failed to discharge his duty in not removing the encroachment of existing over the Khesra No-1350 Thana No- 07, village-Madhuban Besi, Aurai recorded as a Bihar Government Road as well as not stopped to the encroacher for re encroached the public road, after removal of the encroachment.

iv. For issuance of direction / directions to the respondents to take step in the light of the earlier order



and direction passed in several cases by the Hon'ble Supreme Court as well as Hon'ble Patna High Court in the public land encroachment matter.

V. For the issuance of direction/ directions to the respondents authority to take a legal action against the responsible authority as well as encroacher who has again and again encroached the road and disturb the public road."

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the Circle Officer, Aurai, District-Muzaffarpur, for redressal of his aforesaid grievance. Liberty, so sought, is granted.

3. It is needless to state that in case the petitioner approaches the Circle Officer, Aurai, District-Muzaffarpur, 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.

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

(Mohit Kumar Shah, J)

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