

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4322 of 2021

Naresh Kumar Singh Son of LATE DEO LAGAN SINGH resident of village-Tarwan, P.O.- Suitha, P.s.- Parsa Bazar, District- Patna, Presently residing at Road no. 4, Magistrate Colony, P.O.- Ashiana Nagar, P.s.- Rajiv Nagar, patna-800025

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The District Magistrate, Patna
3. The Sub Divisional Officer, Patna Sadar, patna
4. The Circle Officer, Phulwarisarif, patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dr. Kislay, Adv.

For the State : Mr. Dhurjati Kumar Prasad, GP-14

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 20-11-2024 The present writ petition has been filed seeking the following reliefs:-

“1(i). For issuance of writ / order / direction in the nature of writ of mandamus commanding the respondents to release the land from encroachment, pertaining to Khata No. 100, Plot No. 363, Rakba- 0.10 acres, situated at Mauza-Mohiuddinpur, Thana No. 77, Anchal-Phulwarisarif, District- Patna, which has already been acquired by the State of Bihar from its original owner, vide L.A. No. 12/2006-07, for the purposes of construction of approach road of



bridge connecting National Highway No. 83 [Patna- Gaya Dovi Road], now mostly blocked and obstructing the egress / ingress and also resulting in acute drainage problem.

(ii). For issuance of appropriate declaration that the action of the respondents concerned in not removing encroachment in question is highly illegal, arbitrary, malicious and tantamounts to violation of the Fundamental Rights, Human Rights and Natural Rights of the petitioner and other people of the locality in the facts and circumstances of the case.

(iii). For issuance of appropriate declaration that the land in question is Bihar State's acquired land, being used as approach road with Drainage System, of bridge connecting National Highway No. 83 [Patna-Gaya Dovi Road]."

2. At the outset, the learned counsel for the Respondent-State submits, by referring to the counter affidavit filed in the present case that considering the measurement report, submitted by the Circle Officer, Phulwarisharif, Patna, called for by the Collector, Patna, directions have been issued to the Circle Officer, Phulwarisharif, Patna, to initiate encroachment proceedings and after hearing all the concerned parties, pass a speaking order and take needful action for removal of the encroachment from the land in question.



3. Having regard to the aforesaid stand taken by the Respondent-State in the counter affidavit filed in the present case, I deem it fit and proper to direct the Circle Officer, Phulwarisharif, Patna, to ensure initiation of appropriate encroachment proceeding within a period of four weeks from today, whereupon he shall issue notices to the encroachers and after calling for their objections / show cause reply, he shall consider the same and pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, forthwith.

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

(Mohit Kumar Shah, J)

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