

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2616 of 2020

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Gaya Pandey @ Gaya Datt Pandey, Son of Late Tripurari Pandey, Resident of Village- Chintawan Bigha, P.S. Kutumba, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Government of Bihar, Patna.
2. The State of Bihar through the Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Aurangabad.
4. The Sub- Divisional Officer, Daudnagar, Aurangabad.
5. The Circle Officer, Kutumba (Amba), Aurangabad.
6. The Station House Officer, Kutumba, Aurangabad.
7. Ratu Ram, Son of Sukan Ram, Resident of Village- Chintawan Bigha, P.S. Kutumba, District- Aurangabad.
8. Kameshwar Ram, Son of Ratu Ram, Resident of Village- Chintawan Bigha, P.S. Kutumba, District- Aurangabad.
9. Uday Ram, Son of Ratu Ram, Resident of Village- Chintawan Bigha, P.S. Kutumba, District- Aurangabad.
10. Mangal Ram, Son of Ratu Ram, Resident of Village- Chintawan Bigha, P.S. Kutumba, District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar Pandey, Adv.
For the Respondent/s : Mr.Manish Kumar (Gp4)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

8 05-09-2024 The present writ petition has been filed seeking the following relief:-

“1. That the instant writ application has been filed for issuance of a writ in the nature of mandamus commanding and directing the respondents authorities, especially respondents no. 3 to 5, to remove the encroachment made over the road of the village by private respondents, which is used as Aam Rasta, situated at village Chintawan



Bigha, appertaining to land bearing Thana No. 325, Khata no. 67, Plot No. 679, Area 8 decimals (all along 1 acre 9 decimals), which has been encroached by the private respondents no. 7 to 10 and though representation was filed by the petitioner to take action but till date no action has been taken, though the land in question is recorded as Aam Gairmajarua land in the record of the right.

Petitioner further seeks Hon'ble Court's indulgence for commanding the respondent authority to comply with the order dated 13.07.2019, passed in Case No. 2459/18, by the respondent no. 4, whereby and whereunder, after through enquiry and after hearing the private respondents, the SDO i.e. the Respondent No. 4 has found that the land in question, appertaining to Thana No. 325, Khata no. 67, Plot No. 679, Area 8 decimals (all along 1 acre 9 decimals) has been utilized as Aam Rasta by the general people as well as by the petitioner and further direct the respondent Circle Officer to take appropriate action for removing the encroachment."

2. At the outset, the learned counsel for the Respondent-State submits that though the encroachment in question was removed on 25.6.2024, however, the same has resurfaced, as has been stated by the petitioner in the rejoinder affidavit filed in the



present case, nonetheless, it is submitted by the learned counsel for the Respondent-State that appropriate steps would definitely be taken, within a period of six weeks from today, by the District Magistrate, Aurangabad, to remove the encroachment in question, which has resurfaced. It is directed accordingly.

3. The present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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