

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3973 of 2023

1. Gautam Kumar Soni Son of Late Mahadeo Prasad Sah, Resident of Village - Chhoti Balia, Upar Tola, Ward No. 3, Balia Buzurg, P.S. - Balia, District - Begusarai, Pin Code- 851211 (Bihar).
2. Archana Soni, Wife of Gautam Kumar Soni, Resident of Village - Chhoti Balia, Upar Tola, Ward N0. 3, Balia Buzurg, P.S. - Balia, District - Begusarai, Pin Code- 851211 (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Principal Secretary, Road and Construction Department, Government of Bihar, Patna.
4. The Nagar Parishad Balia, P.S. - Balia, District - Begusarai through the Executive Officer.
5. The Executive Officer, Nagar Parishad Balia, P.S. - Balia, District - Begusarai.
6. The District Magistrate, Begusarai, District - Begusarai.
7. The Superintendent of Police, Begusarai, District - Begusarai.
8. The Sub Divisional Magistrate, Balia, P.S. - Balia, District - Begusarai.
9. The Circle Officer, Balia, P.S. - Balia, District - Begusarai.
10. The Officer In-charge, Balia Town, P.S. - Balia, District - Begusarai.
11. Md. Sarvar Son of Late Zubair Resident of Ward No. 3, Chhoti Balia, Upar Tola, Balia Buzurg, P.S. - Balia, District- Begusarai.
12. Md. Sikandar Son of Late Zubair Resident of Ward No. 3, Chhoti Balia, Upar Tola, Balia Buzurg, P.S. Balia, District - Begusarai.
13. Md. Babar Son of Late Md. Zubair, Resident of Ward No. 3, Chhoti Balia, Upar Tola, Balia Buzurg, P.S. Balia, District - Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate
For the Respondent/s : Mr.Rishi Raj Sinha (Sc19)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 28-06-2024

1. The present writ petition has been filed seeking the



following relief(s):-

“1(i) For issuance of appropriate writ / order / direction in the nature of Mandamus commanding the Respondents particularly Respondent No.9 the Circle Officer, Balia to take necessary action in the light of the Representation filed by the Petitioner on 10.09.2022 with regard to removal of the encroachment from the land situated from Plot No.2103, Gair Mazarua Aam Land which is a Gali (Rasta) situated in Mauza-Balia, Thana No.627, Khata No.536, Plot No.2103 on the ground of that the Plot No.2103 is a Gali as per Survey Map, there cannot be encroachment on the Government Land by any person.”

2. At the outset, the learned counsel for the respondents submits that the encroachment in question has been removed, however, the learned counsel for the petitioners, by referring to the rejoinder affidavit, filed today, which has been taken on record, submits that some part of the encroachment is still remaining to be removed.

3. In view of the aforesaid, I grant liberty to the petitioners to approach the District Magistrate, Begusarai for removal of the encroachment which is yet to be removed. Liberty so sought is granted.



4. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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