

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5690 of 2024

Binod Yadav son of Late Kail Yadav Resident of Village- Dariyapur Tapa,
Police Station- Tekari, District- Gaya .

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub Divisional Officer, Tekari, Gaya.
4. The Deputy Collector Land Reforms, Gaya.
5. The Circle Officer, Tekari, Gaya.
6. Bineshwar Manjhi son of Late Barat Manjhi Resident of Village- Dariyapur Tapa, Police Station- Tekari, District- Gaya.
7. Dhup Manjhi Son of not named C/o Bineshwar Manjhi, Resident of Village- Dariyapur Tapa, Police Station- Tekari, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar, Advocate

For the Respondent/s : Mr.Government Advocate (13)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-06-2024 The present writ petition has been filed
seeking the following reliefs:-

"1. (i) For issuance of a writ of Mandamus for direction to the respondents authorities to get free the land of "Aam Rasta" (Public land) from encroachment of respondent no. 6 and 7 bearing R.S. Khata No. 507 R.S. Plot No. 2780, area 3.32 decimals situated at Mauza- Dariyapur Tapa, P.S. Tekari, District-Gaya which is the Aam Rasta and only way of communication of more than 50 houses people of the village- Dariyapur Tapa and



due to such encroachment / illegal construction of respondent no. 6 to 7. the main rasta (way) of the villagers has been stopped.

(ii) For issuance of a writ of Mandamus for commanding the respondents who despite several representations could not take any action to restrain respondent no. 6 to 7 from encroachment of "Aam Rasta" (Public land) of the villagers of Dariyapur Tapa village."

2. The learned counsel for the petitioner submits that despite the final order having been passed by the Circle Officer, Tekari, Gaya on 18.11.2021 in connection with Encroachment Case No. 3 of 2021-22 as also notices having been issued under Section 6(2) of the Bihar Public Land Encroachment Act, 1956 by the Circle Officer, Tekari, Gaya leading to the Circle Officer, Tekari, Gaya requisitioning Magistrate and police force vide letters dated 20.04.2022, 27.05.2022 and 20.05.2023, the encroachment in question has not been removed till date, hence the District Magistrate, Gaya be directed to ensure compliance of the aforesaid order dated 18.11.2021 and ascertain removal of the encroachment in question.



3. *Per contra*, the learned counsel for the respondent-State submits that in case the aforesaid order dated 18.11.2021, passed by the Circle Officer, Tekari, Gaya has not been annulled by any higher Court of law or forum and there is no other legal impediment, the same would definitely be enforced in its true letter and spirit.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the District Magistrate, Gaya to ensure enforcement of the aforesaid order dated 18.11.2021, passed by the Circle Officer, Tekari, Gaya in connection with Encroachment Case No. 3 of 2021-22, forthwith, in case there is no other legal impediment and the aforesaid order dated 18.11.2021 has not been annulled by any higher forum or Court of law.

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

(Mohit Kumar Shah, J)

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