

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6107 of 2024

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Dinesh Kumar Pandey S/o Late Lakshman Pandey, resident of Village-Gop
Bharauli, P.O.-Simari, P.S.-Simari, District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Patna, Bihar.
2. The Principal Secretary, Urban Development Department, Patna, Bihar.
3. The District Magistrate, Buxar.
4. Deputy Development Commissioner, Buxar.
5. The Additional Collector, Buxar.
6. The Circle Officer, Simari, Buxar.
7. The Thana in Charge, Simari, Buxar.
8. Haribans Pandey, S/o Late Jagdayal Pandey, resident of Village-Gop Bharauli, P.O.-Simari, P.S.-Simari, District-Buxar.
9. Badyanath Pandey, S/o Haribans Pandey resident of Village-Gop Bharauli, P.O.-Simari, P.S.-Simari, District-Buxar.
10. Chintamani Pandey, s/o Haribans Pandey, resident of Village-Gop Bharauli, P.O.-Simari, P.S.-Simari, District-Buxar.
11. Dipu Pandey, S/o Badyanath Pandey, resident of Village-Gop Bharauli, P.O.-Simari, P.S.-Simari, District-Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kr. Pandey, Advocate
For the Respondent/s : Government Pleader (13)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-07-2024 The present writ petition has been filed seeking the following reliefs:

“1/A. That this application is being filed for issuance of a writ in the nature of mandamus Commanding and directing the respondents' authority to remove the encroachment over the Government land bearing Khata No- 79, Plot No-145 (N) & Plot No-146 (N) total area



measuring about 0.16 Decimal & 0.06 Decimal respectively, of Muza-Gope Bharowlee, situated of village- Gope Bharowlee, P.O.-Simari. P.S.- Simari, District-Buxar, the nature of the said land is 'Gadhaa', (Water-body) & 'Sahan' and the name of the 'Rayat' in the Kathiyan is 'Sarve Sadharan'.

B. Further directing the respondents, to remove the said encroachment, complying the order passed by 'Circle Officer, Simari', Buxar, in Encroachment Case Number-12/2021-22 dated 01.06.2022, during the course of the hearing of the case and also on the basis of the reports of the 'Anchal Amin' found the encroachment upon the said Road by the anti social elements for the purpose of personal use, resultant the public road has completely blocked."

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the District Magistrate, Buxar for enforcement of the final order passed in Encroachment Case No.12 of 2021-22 by the Circle Officer, Simri, Buxar, inasmuch as till date the encroachment in question has not been removed on the pretext that the JCB could not reach the place where encroachment has been made on account of full grown standing crops were present in the field.

3. Per contra, the learned counsel for the respondent-State submits that in case the encroachment has not yet been removed, the same shall be removed, forthwith.



4. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the District Magistrate, Buxar to ensure enforcement of the final order passed by the Circle Officer, Simri, Buxar in Encroachment Case No.12 of 2021-22, in case there is no other legal impediment and the final order has not yet been annulled by a higher forum or court of law, by taking recourse to the due process of law, within a period of six weeks of receipt/production of a copy of this order.

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

(Mohit Kumar Shah, J)

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