

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7356 of 2024

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Ram Ayodhya Singh Son of Late Dev Nandan Singh, Resident of Village-
Jogipur, P.S.- Bihta, District- Patna.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ram Ishwar Prasad, Advocate
For the Respondent/s : Mr.Standing Counsel (12)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 25-07-2024 1. The present writ petition has been filed seeking the
following relief(s):-

“1(i) For issuance of Writ /order/direction in the nature of writ of Mandamus commanding the respondents to release survey Road no. 1854/1982 connecting Bihta, Lai to Natural High Way. 30, Lakhan tola, Land form encroachment pertaining to Khesara no. 1954, 1982 and more at Mauza Dayalpur Daulatpur Da, Ward no. 03,thana No. 43 under Gram Panchayat, Dayalpur, Daulatpur, Anchal Bihta, District Patna now mostly blocked at 4-5 places form the house of Jagat Rai Son of late Ram Chandra Roy to the house of Suraj Rai @ Suraj dev Rai, son of Late Chhotelal Rai, Residents of Yogipur, P.S Bihta, District- Patna



and abstracting and blocking the egress /ingress and acute drainage problem due to illegal encroachment & construction of Kuchcha Pucca Houses.

(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 tantamounting 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 Aam Gair Marazua Survey Road no. 1854, 1982 connecting several Villages to National Highway NO. 30 and being used as only survey approach road with Drainage System connecting National Highway No. 30.”

2. At the outset, the learned counsel for the respondents seeks to file a counter affidavit, duly sworn by the District Magistrate, Patna, copy whereof has already been filed online. Let the same be kept on record

3. The learned counsel appearing for the respondent-State has submitted by referring to the counter affidavit, filed in the present case that the records of the earlier encroachment case, bearing Encroachment Case No.01 of 2004 are not



traceable, hence a fresh encroachment case, bearing Encroachment Case No.01 of 2024-25, has been initiated by the Circle Officer, Bihta and the same would definitely be taken to its logical conclusion and the encroachment would also be removed, within a period of six weeks from today.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Circle Officer, Bihta to conclude the proceedings of the aforesaid encroachment case by passing the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in accordance with law and after hearing the affected parties and then remove the encroachment in question, by taking recourse to the due process of law.

5. It is needless to state that the entire exercise shall be completed, within a period of six weeks from today.

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

(Mohit Kumar Shah, J)

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