

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8226 of 2024

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Sagar Lal Rastogi son of Late Sito Lal Rastogi, Resident of Mohalla-Mungeriganj, Ward No. 33, Police Station - Town, District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Patna, Bihar.
2. The District Magistrate, Begusarai.
3. The Sub-Divisional Officer, Begusarai.
4. The Circle Officer, Sadar, Begusarai.
5. Ajay Kumar Sinha son of Late Bindeshwari Prasad Sinha Resident of Mohalla Mungeriganj, Ward No. 33, Police Station Town, District - Begusarai

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Parijat Saurav, Advocate
For the Respondent/s : Mr.Government Pleader (14)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-07-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1(i) For issuance of a writ in the nature of Mandamus or any other appropriate writ or order for directing the respondent no, 1 to 4 to ensure removal of encroachment made by the respondent no. 5 from the public land (Gair Majarua Aam Rasta) situated at Khesra No. 700 in Mauza Mokimpur, Thana No. - 348, Mohalla Mungeriganj, Ward No. 33, Police Station Town, District Begusarai which is public road for use by the petitioner and other people.



(ii) For issuance of a writ in the nature of Mandamus or any other appropriate writ or order for directing the respondent no. 1 to take action against all the erring personnel who have held the post of Circle Officer, Sadar, Begusarai from 03/08/2018 to till date, and who have been responsible for non-removal of aforesaid encroachment by the respondent no. 5.”

2. At the outset, the learned counsel for the petitioner submits that though the Circle Officer, Sadar, District-Begusarai, has passed the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in connection with Encroachment Case No.06 of 2008, whereafter the appeal, filed by the encroachers has also stood dismissed and even the review filed by the encroachers has been dismissed, but still the encroachment in question has not stood removed, hence the District Magistrate, Begusarai be directed to ensure compliance of the final order, passed by the Circle Officer, Sadar, District-Begusarai, in connection with Encroachment Case No.06 of 2008.

3. Per contra, the learned counsel for the respondent-State submits that in case the final order, passed by the Circle Officer, Sadar, District-Begusarai, as aforesaid has not been



annulled by any higher forum/Court of law and there is no other legal impediment, the District Magistrate, Begusarai shall ensure removal of encroach in question, within a period of four weeks from today. It is directed accordingly.

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

(Mohit Kumar Shah, J)

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