

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7773 of 2024

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Siya Devi Wife of Sanjay Kumar Mehta Resident of Village - Bankipur
Gorakh, P.S.- Fatuha, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector-cum-District Magistrate, Patna.
2. The Collector-cum-District Magistrate, Patna.
3. The Additional Collector, Patna.
4. The Sub Divisional Officer, Patna City, Patna.
5. The Circle Officer, Fatuha, Patna.
6. Most. Meena Devi Wife of Late Dayanand Sahni R/o Village - Sammaspur,
Fatuha, District - Patna.
7. Vijay Sahni Son of Late Dayanand Sahni R/o Village - Sammaspur, Fatuha,
District - Patna.
8. Rajesh Sahni Son of Late Dayanand Sahni R/o Village - Sammaspur, Fatuha,
District - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Navnit Kumar, Adv.
For the Respondent/s : Mr.Additional Advocate General (07)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-07-2024 The present writ petition has been filed seeking the
following reliefs:-

“1(i). For issuance of a writ in the nature of
mandamus or any other appropriate writ,
order/orders, directing/ commanding the
respondents to remove encroachments done by
the Private respondents from a piece of Public
Road appertaining to Khata no. 73, Khesra
no.290 measuring area 0.02 decimal situated in
Mauza Bankipur Gorakh, under Fatuha P.S.



(ii). For issuance of a writ in the nature of mandamus or any other appropriate writ, order/orders, directing/ commanding the respondents to ensure that once the encroachment is removed, the same shall not be allowed to re-occur.”

2. At the outset, the learned counsel for the petitioner submits that the Respondent No. 5 i.e. the Circle Officer, Fatuha, District-Patna, has already passed the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as “the Act, 1956”), in connection with Encroachment Case No. 5 of 2018-19 and notices, under Section 6(2) of the Act, 1956, have also been issued to the encroachers for removal of the encroachment, but till date, the encroachment in question has not stood removed, hence, the District Magistrate, Patna, be directed to do the needful.

3. Per contra, the learned counsel for the Respondent-State submits that in case, the final order has been passed under Section 6(1) of the Act, 1956 by the Respondent No. 5, in connection with Encroachment Case No. 5 of 2018-19 and notices under Section 6(2) of the Act, 1956 have been issued to the encroachers, the encroachment would definitely be removed within a stipulated time frame, as is fixed by this Court.



4. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the District Magistrate, Patna, to ensure removal of encroachment, within a period of one week from today, in case the final order under Section 6(1) of the Act, 1956 has been passed by the Respondent No. 5, in connection with Encroachment Case No. 5 of 2018-19 and the same has neither been challenged nor annulled by any higher forum / Court of law and in case there is no other legal impediment.
5. Accordingly, the present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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