

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12520 of 2018

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Jitesh Kumar Tiwari S/o- Sri Shambhu Nath Tiwari, Resident of Village P.O.-
Rampur Dudhpura, P.S.- Muffasil, District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Rural Works Department, Bihar, Patna.
2. The Collector Cum- District Magistrate, Samastipur.
3. The Sub- Divisional Officer Muffasil, Samastipur.
4. The Circle Officer, At P.O.- Jitwarpur, Samastipur, District- Samastipur.
5. The Block Development Officer, At P.O.- Jitwarpur, Samastipur.
6. The Executive Engineer, Village Works Department, Work Division, Samastipur.
7. The S.D.O. Village Works Department Work Sub- Division, Samastipur.
8. The Junior Engineer Village Works Department Works Sub- Division, Samastipur All of P.O. and P.S.- Samastipur, District-Samastipur
9. The Superintendent of Police Samastipur.
10. The Station House Master, P.S.- Muffasil, District- Samastipur.
11. The Pradeep Tiwari, S/o Late Janak Tiwari.
12. Jagdish Tiwari, S/o- Late Ram Narayan Tiwari. Resp. No. 11 and 12 are resident of Village P.O.- Rampur, Dudhpura, P.S.- Muffasil, District- Samastipur, Pin- 848101.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Singh, Adv. Mr. Rikesh Sinha, Adv.
For the Respondent/s	:	Mr. Ravindra Kumar, AC to EX AAG-6

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 05-10-2024 The present writ petition has been filed seeking the following reliefs:-

“1(i). For issuance of appropriate writ(s), direction(s) for commanding the respondents to remove the encroachment as also the road, constructed over the personal Raiyati Plot (land)



of the petitioner bearing Khata No. 295 and Khesra (Plot) No. 516, situated at Mauza-Rampur, Dudhpura Anchal + P.S.-Samastipur, Thana No.173, Phannar, District-Samastipur, inasmuch as the respondents have constructed the road over 16 dhur of the personal land of the petitioner, without giving any information and without initiating any process of acquisition as also without giving compensation. In fact the actual public land, meant for road is the one bearing plot no. 517, which has been encroached by the Respondents No. 11 & 12, hence instead of using the said public land, the personal plot of the petitioner bearing plot No. -516 has been usurped and encroached by the respondent authorities for construction of road.

(ii). For issuance of appropriate writ or direction, commanding the Respondents to remove the encroachment made over Plot no. 516.

(iii). For issuance of appropriate writ/ direction commanding the respondents to stay construction of the road by passing permanent injunction/stay order.”

2. At the outset, the learned counsel for the Respondent-State submits, by referring to the counter affidavit filed in the present case by the District Magistrate, Samastipur that admittedly, Khesra No. 516(old), area 9 decimal, situated at



Mauza-Rampur Dudhpura, Thana No. 73, is the Khatiyani land of the ancestors of the petitioner and the Jamabandi No. 241 is existing in the name of the grandfather of the petitioner, hence, the Respondents do not propose to construct any road over the same and the fact is that the road is situated over Khesra No. 517.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the District Magistrate, Samastipur, to ensure that the aforesaid land of the petitioner, appertaining to Khesra No. 516, is kept free from any sort of encroachment / encumbrance, including that of construction of any sort of road.

4. Accordingly, the present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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