

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8782 of 2024

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Ram Bahadur Sahu son of Tuntun Sahu, resident of Village- Saho, Police Station- Biraul, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate-cum- Second Appellate Authority, Darbhanga.
3. The Additional Collector- cum- First Appellate Authority, Darbhanga.
4. The Circle Officer, Biraul, Darbhanga.
5. Abheli Yadav, son of Ramdeo Yadav, resident of Village- Sahi, Kopa Tola, Police Station- Biraul, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Nilendu Kumar Choudhary, Adv.
For the State	:	Mr. Sarvesh Kumar Singh, AAG-13
		Mrs. Sunita Kumari, AC to AAG-13

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-07-2024 The present writ petition has been filed seeking the following relief:-

“1. That the present writ application is being filed for issuance of an appropriate writ/writs, order/orders, direction/directions specially in the nature of mandamus for directing the respondent authorities specially the Respondent No. 4 to act according to the order dated 05.01.2024 passed by the learned District Magistrate second Appellate Authority, Darbhanga, according to which a direction was given to the Circle Officer, Biraul herein Respondent No. 4 to remove encroachment from the land i.e. Khata No. 3601,



Khesra No. 7015(New) situated at Mauza- Saho, P.S.- Biraul, District- Darbhanga which is a public road has been encroached by the private respondent.”

2. At the outset, the learned counsel for the petitioner submits that the Respondent No. 4 i.e. the Circle Officer, Biraul, District-Darbhangha, has already concluded the proceedings of the pending Encroachment Case No. 24/2023-24 and thereafter, had also requisitioned police force for the purposes of removal of the encroachment in question, however, till date the encroachment in question has not stood removed, hence, appropriate directions be issued to the Respondents.

3. *Per contra*, the learned counsel for the Respondent-State submits that in case, the encroachment has not been removed and there is no other legal impediment, appropriate action would definitely be taken, 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, Darbhanga, to ensure that appropriate action is taken for execution of the orders, passed by the Respondent No. 4, in connection with Encroachment Case No. 24 of 2023-24, as far as removal of encroachment is concerned, in case there is no



other legal impediment and the final order, passed by the Respondent No. 4, has not been annulled by any higher forum / 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. Accordingly, the present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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