

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9567 of 2024

Mithilesh Kumar Son of Late Yamuna Prasad Rai resident of village- Porai,
P.O.- Parsa, P.S. Dariyapur, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal/ Chief Secretary, Revenue and Land Reform Department, Government of Bihar, Patna.
3. The Commissioner, Saran Commissioner, Saran at Chapra.
4. The District Magistrate-cum- Collector, Saran at Chapra.
5. The Sub-Divisional Officer, Sonepur, Saran.
6. The Circle Officer, Dariyapur, District- Saran.
7. The Executive Officer, Nagar Panchayat Parsa Bazar, at Parsa, P.S.- Parsa, District- Saran at Chapra.
8. Ramayan Ray, Son of Late Basudeo Ray, resident of village- Porai, Circle and P.S. Dariyapur, District- Saran at Chapra.
9. Jamadar Ray, Son of Late Samali Ray, resident of village- Porai, Circle and P.S. Dariyapur, District- Saran at Chapra.
10. Mathura Ray, Son of late Ram Ishwar Ray, resident of village- Porai, Circle and P.S. Dariyapur, District- Saran at Chapra.
11. Hari Ray, Son of Late Ramekbal Ray, resident of village- Porai, Circle and P.S. Dariyapur, District- Saran at Chapra.
12. Brij Bhushan Ray, Son of Late Ram Ishwar Ray resident of village- Porai, Circle and P.S. Dariyapur, District- Saran at Chapra.
13. Harendra Ray, Son of late Ram Ishwar Ray, resident of village- Porai, Circle and P.S. Dariyapur, District- Saran at Chapra.
14. Ram Naresh Ray, Son of Late Ram Ishwar Ray, resident of village- Porai, Circle and P.S. Dariyapur, District- Saran at Chapra.
15. Pankaj Kumar, Son of late Chandeshwar Ray, resident of village- Porai, Circle and P.S. Dariyapur, District- Saran at Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Udai Shankar Singh, Advocate
For the Respondent/s : Mr.Standing Counsel (26)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-07-2024

The present writ petition has been filed



seeking the following reliefs:-

"1. I. To command and direct the respondent authorities to remove the encroachment from southern portion of the Khatiyani/ Raiyati land of the petitioner bearing, Khata No. 37 Plot No. 583 Area 9 katha 14 Dhur situated under Mauza-Porai, Circle-Dariyapur, District-Saran,

II. To command and direct the respondents authorities to not encroach further rest part of the Survey Plot No. 592 alongwith Plot No. 583 petitioner's raiyati land for the purpose of construction of the road.

III. To command and direct the respondents authorities to remove / demolish the illegal construction which has been made by the official respondents no. 6 and 7 in the terms of PCC road on the private raiyati land of the petitioner bearing Khata No. 37 Plot No. 583 under Mauza-Porai, Circle- Dariyapur.

IV. To command and direct the respondent authorities specially respondents no. 6 & 7 to get measured the aforesaid land of the petitioner Survey Plot No. 581,582,583,587,589 and Government Road in Plot No. 321 passes through village-Porai to Bishahi in the presence of the petitioner and respective



parties and remove the encroachment.

V. To command and direct official respondents to not disturb the lawful and peaceful possession of the petitioner over the land bearing Khata No. 37, Survey Plot No. 583 and 592 under Mauza-Porai, under Circle- Dariyapur District-Saran, by deviation of the Government Road from the actual land to the petitioner's land without process of law.

VI. To command and direct the official respondents to take proper and effective action under the Bihar Public Land Encroachment Act, against the respondents no. 8 to 15 and others to remove the encroachment and demolish the construction from the Government Road passes through Porai to Bishahi and from Aam Gairmazarua land bearing Khata No. 89 and 112, survey plot no. 456, area 15 katha I Dhur and survey plot no. 457, Area about 6 Bigha 5 Katha.

VII. To command and direct official respondent authority to provide proper security and safeguard to the life and property of the petitioner and his family members.

VIII. To command and direct the official respondent authorities to take proper legal / departmental action against the responsible respondents no. 4 to 7 for non action upon the several



representation/ complain for removal of encroachment from the Public Land and Government Road and land under Public Land Encroachment Act, against the private respondents no. 7 to 14 and others."

2. After some arguments, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the Circle Officer, Dariyapur, District-Saran, for redressal of his aforesaid grievances. Liberty, so sought, is granted.

3. Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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