

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10171 of 2024

=====

Ram Pyari Devi W/o Feku Paswan, R/o- Village- Amba Dhamni, P.S.- Mali,
Dist- Aurangabad, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt of Bihar, Patna.
2. The Chief Secretary, Govt of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, Department of Revenue and Land Reforms, Govt of Bihar, Patna, old Secretariat, Patna.
4. The Principal Secretary, Department of Panchayati Raj Department, Govt of Bihar, main Secretariat, Patna.
5. The Divisional Commissioner, Magadh Division, Gaya, Bihar.
6. The District Magistrate, Aurangabad, Bihar.
7. The DDC, Aurangabad, Bihar.
8. The District Panchayati Raj Officer, Aurangabad, Bihar.
9. The Sub Divisional Magistrate, Aurangabad, Bihar.
10. The Circle Officer, Navinagar, Aurangabad, Bihar.
11. The S.H.O, Mali Police Station, Mali, Aurangabad, Bihar.
12. Krishna Paswan, Son of Late Sarju Paswan, R/o village- Amba, Dhamni, P.S.- Mali, Dist- Aurangabad, Bihar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh, Advocate
For the Respondent/s : Mr.Government Pleader- 27

=====

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 issue an appropriate writ, order
or direction to the Respondent Authorities
to remove the encroachments made by
Private Respondents from the public land
over a piece of Public Land appertaining*



to Khata No 44, Plot No 349 area 5 Dismal out of 9.54 Acre of public land situated under Thana No.-21, Mauza-Amba Dhamni, PO- Simri Dhamni, P.S. Mali District-Aurangabad which is recorded as GAIRMAJARUA MALIK PARTI KADIM used as the AAM RASTA for the entire village including of the family of the petitioner. The land is bounded as follows:-

*North- Parti Kadim and house of
Sahendra Ram*

South- Rasta

East- Mukhlal Ram

West- Jitam Paswan

(ii) To issue further appropriate writ, order or direction commanding the Respondent Circle Officer to initiate and encroachment proceeding against the private respondent and decide the same on priority basis within time schedule fixed by this Hon'ble Court and remove the encroachments made by Private Respondents forthwith from the Public Land over a piece of public Land appertaining to Khata No 44, Plot No 349 Area-5 decimal which is recorded as SARB SADHARAN used as the AAM RASTA for the entire village including of the petitioner since last 100 years.

(iii) To issue further appropriate writ, order or direction to inquire into the latches and delay caused by the



Respondent Authorities in the matter of removal of encroachment from the public land.

(iv) To issue further appropriate writ, order or direction to complete Inquiry/Investigation and the proceeding of encroachment within a time schedule as fixed by this Hon'ble Court.

(v) To issue further appropriate writ, order or direction commanding the Respondents to take suitable Penal and Departmental Actions as against all the wrong doers on the basis of the findings/ outcome of the Inquiry/ Investigation/encroachment proceeding, forthwith without any further delay.

(vi) This Hon'ble Court may adjudicate and hold that it was the statutory duty of the Respondent District Magistrate to consider the vital issues raised in complaint filed by petitioner on various dates.

(vii) This Hon'ble Court may further adjudicate and hold that Respondents have duty to see that no encroachment on a public land particularly the AAM RASTA of the village is allowed to continue.

(viii) This Hon'ble Court may further adjudicate and hold that the Respondents are duty bound to see that Public Road is not encroached and no individual should



be allowed to prevent the free flow of traffic of the village.”

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

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

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

