

Prem Shankar Singh Son of Jagarnath Singh, resident of Mohalla - Begampur Arrah, P.S. - Town, District - Bhojpur.

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The District Magistrate, Bhojpur at Arrah.
4. The Municipal Commissioner, Arrah Municipal Corporation, Bhojpur at Arrah.
5. The Executive Officer, Arrah Municipal Corporation, Bhojpur at Arrah.
6. The Sub-Divisional Officer, Sadar, Arrah.
7. The Circle Officer, Sadar Arrah, Bhojpur.

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Thakur, Advocate
For the Respondent/s : Mr.Raj Kishore Roy (Gp 18)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 30-07-2024 1. The defects, pointed out by the Registry, are ignored.

2. The present writ petition has been filed seeking the following relief(s):-

“1(i) To issue an appropriate order/s, direction/s including a writ preferably in the nature of quashing the order as contained in memo No.562 dated 24.04.2023 issued for the office of Ara Municipal Commissioner, Ara (hereinafter referred to as respondent No.4) whereby and whereunder he has requested the Sub-Divisional Officer, Sadar, Ara respondent



No.6 to provide police force including a Magistrate for removal of encroachment from the road and drain said to be encroached in different places mentioned in the memo No.652 dated 24.04.2023 situated in the township of Ara fixing date of removal from 02.05.2023 to 08.05.2023.

(ii) To direct the respondent no.7 (Hereinafter referred to as Circle Officer, Sadar, Ara) to initiate a proceeding under section 3 of the Bihar Public Land Encroachment Act, 1956 and thereafter remove the encroachment from both sides of drain situated in Ward No.33 and 32 which has been encroached near Dharhara Glass Factor via Binod Toli, Begumpur via Mirachak Monako Kunwar (Bhalhipur) on main road.

(iii) To direct the respondent No.7 to remove the encroachment from the aforementioned places which are public land as early as possible in accordance with the provision of Bihar Public Land Encroachment Act, 1956.”

3. At the outset, the learned counsel for the petitioner does not seek to press the relief sought for in paragraph no.1(i) of the present writ petition, however, seeks a direction upon the Municipal Commissioner, Municipal Corporation, Bhojpur at Ara to initiate appropriate proceedings for removal of



encroachment from both sides of the drain, situated at ward no.33 and 32, near Dharhara Glass Factor via Binod Toli, Begumpur via Mirachak Monako Kumwar (Bhalhipur) on main road, forthwith, by taking recourse to the due process of law. It is directed accordingly.

4. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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