

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13314 of 2015

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Hriday Bhagat @ Hirdya Singh son of Late Rajdhari Bhagat Resident of
village Nauka Tola, P.S. Mariwa, District Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Siwan.
3. The Superintendent of Police, Siwan.
4. The Circle Officer, Mairwa Anchal, District - Siwan.
5. District Board Siwan, through the Deputy Development Commissioner-cum-
Chief Executive Officer, District Board, Siwan

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Dr.Uma Shankar Prasad, Sr. Advocate Mr.Kamala Kant Tiwary, Advocate
For the State	:	Mr.Sarvesh Kr. Singh, AAG-13 Mrs.Sunita Kumari, AC to AAG-13
For Zila Parishad	:	Mr.Dhananjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 29-08-2024 1. The present writ petition has been filed seeking the
following relief(s):-

“1. That this is an application for issuance of appropriate writ/s and direction/s to the respondents to keep, restore and maintain the portion of the District Board Road, situated at No. 143, Survey No. 736, spread over an area of 2 Bighas 10 Kathas 11 Dhurs at village Nawaka Tola within the Mairwa Anchal, which was encroached by the encroachers but they were removed by the respondents, in compliance of the orders and directions of this Hon'ble Court in M.J.C. No. 5456 of 2012,



arising out of order dated 14.02.2012, passed in C.W.J.C. No. 13154 of 2007, however, the said portions of land has again been re-encroached by 28 encroachers, due to lack of Vigilance on the part of respondents.”

2. At the outset, the learned senior counsel for the petitioner submits that though the encroachment in question was removed earlier, however, the same has again resurfaced.

3. At this juncture, the learned counsel appearing for the respondent-State, as also for the Deputy Development Commissioner-cum-Chief Executive Officer, District Board, Siwan submit that in case the encroachment has resurfaced, the same would definitely be removed, 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, Siwan, as also the respondent no.05 to ensure removal of the encroachment in question, not only with a view to comply the earlier order of this Court dated 12.04.2017, as also in compliance of the order dated 14.02.2012, passed by a co-ordinate Bench of this Court in CWJC No.13154 of 2007, as well as the directions issued by this Court in MJC No.5456 of 2012, in case the encroachment in question is still subsisting, 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. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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