

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10737 of 2024

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Ashok Kumar Son of Yogendra Thakur Vimal Resident of Village - Rasalpur,
P.O. - Rasalpur, P.S. - Bajpatti, Distt. Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Land Reform and Revenue Department Bihar, Patna.
2. The Collector-Cum-Distt. Magistrate, Sitamarhi.
3. The Addl. Collector Land Reform Department, Distt. Sitamarhi.
4. The Sub-Divisional Officer, Pupri, Distt. - Sitamarhi.
5. The Block Development Officer, Bajpatti, Distt. - Sitamarhi.
6. The Circle Officer, Bajpatti, Distt. - Sitamarhi.
7. Shivnandan Thakur, Son of Late Ramchandra Thakur, Resident of Village - Rasalpur, P.O. - Rasalpur, P.S. - Bajpatti, Distt. - Sitamarhi.
8. Raghunath Thakur, Son of Late Late Lakshmi Thakur, Resident of Village - Rasalpur, P.O. - Rasalpur, P.S. - Bajpatti, Distt. - Sitamarhi.
9. Fekan Thakur, Son of Late Lakshmi Thakur, Resident of Village - Rasalpur, P.O. - Rasalpur, P.S. - Bajpatti, Distt. - Sitamarhi.
10. Maheshwar Thakur, Son of Late Lakshmi Thakur, Resident of Village - Rasalpur, P.O. - Rasalpur, P.S. - Bajpatti, Distt. - Sitamarhi.
11. Ram Dayal Thakur, Son of Late Ram Lakshan Thakur, Resident of Village - Rasalpur, P.O. - Rasalpur, P.S. - Bajpatti, Distt. - Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Devendra Kumar, Adv.
For the Respondent/s	:	Mr.Government Pleader (14)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-08-2024 The present writ petition has been filed seeking the following reliefs:-

“1(i). For Issuance of writ in nature of mandamus and directing and commanding the Respondent authorities to remove the encroachment from the public road situated at Rasalpur bearing appertaining Khata No.679,



Plot no.564 area 1.22 decimal nature of land Gairmajaua Govt. of Bihar (Public road) besides the Raiyati land of petitioner bearing appertaining situated at Bachopatti Narha khata no.1438, plot no.4078 area 48.50 decimals, whereby and whereunder the Private respondents have made hut/pucca house over the public road in front of the petitioner's house, which it causes apprehensions and traffic hazards at public at large of this village. The petitioner having no any road to get entered into the house.

(ii). For further direction to the Respondents authorities to dispose of the land Encroachment Case No. 10/2020-21 by a reasoned and a speaking order within time frame.

2. At the outset, the learned counsel for the petitioner seeks a direction upon the Respondent No. 6 i.e. the Circle Officer, Bajpatti, District-Sitamarhi, to dispose off the pending Encroachment Case No. 10 of 2020-21, within a stipulated time frame.

3. *Per contra*, the learned counsel for the Respondent-State submits that in case, the aforesaid encroachment proceedings have not been concluded, the same would definitely be concluded, by passing the final order, within a fixed time frame.

4. Having regard to the facts and circumstances of the case,



I deem it fit and proper to direct the respondent No. 6 to conclude the proceedings of the aforesaid Encroachment Case No. 10 of 2020-21, if the same has not already been concluded, by passing the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, after hearing the affected parties and in accordance with 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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