

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13155 of 2024

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Bhulan Ray son of Asarfi Ray, resident of village- Parei, Ward no. 15, P.S. Shikarganj, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Department of Revenue and Land Reforms Govt. of Bihar, Patna.
2. The Collector, East Champaran, Motihari.
3. The Circle Officer, Chiraiya Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Subodh Kumar Barnwal, Adv.
For the Respondent/s : Mr.Kinkar Kumar, SC-9

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-09-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1.An appropriate writ/order/s direction/s commanding the respondents no.1 to 3 to restore possession over main public road (Amgairmazurwa rasta) in connection with Khata No. 114, pertaining to Khesra No.563, situated at village Pare: P.S- Shikarganj Dist- East Champaran which has been illegally encroached by some villagers.

B. On enquiry, it has been found that the road has been encroached by villager, hence direction be given to remove the construction made over public road.

C An appropriate writ directing the respondent-authorities to take coercive steps against the encroacher to remove encroachment from the road, due to which villager and petitioner are unable to



access road because some villagers have illegally and forcibly encroached the road.”

2. At the outset, the learned counsel for the petitioner seeks a direction upon the Circle Officer, Chiraiya, District-Motihari, to remove the encroachment made over the public road in question, by instituting encroachment proceedings against the encroachers and passing the final order thereon.

3. Having regard to the limited prayer made by the petitioner in the present case, I deem it fit and proper to grant liberty to the petitioner to file appropriate petition, before the Circle Officer, Chiraiya, District-Motihari, within a period of four weeks from today, under the provisions of the Bihar Public Land Encroachment Act, 1956, and in case such a petition is filed, the Circle Officer, Chiraiya, District-Motihari, shall consider the same, in accordance with law and pass appropriate orders thereon, after hearing the affected parties, forthwith.

4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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