

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13761 of 2024

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Bachcha Mishra Son of Ambika Mishra Resident of Village- Chhotka Singhanpura, P.S.- Simri, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Buxar.
2. Sub Divisional Officer Cum Public Grievance Officer, Dumraon Sub-Division, District- Buxar.
3. Block Development Officer, Simri, District- Buxar.
4. Circle Officer, Simari, District- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha, Adv.
For the Respondent/s : Mr. Prabhat Ranjan, AC to GP6

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL JUDGMENT

Date : 17-09-2024

Heard learned counsel for the parties.

2. In this writ application, the petitioner has
prayed for following relief(s):-

"i. For issuance of an appropriate writ in the nature of Mandamus directing the respondent authorities to remove the hoarding of soil from his raiyati land situated in Mauza Rani Singhanpura Plot no. 907, 908, 909, and 910 related to thana no. 83 with a view to construct village Pukka road forcibly without acquiring the land in accordance with law and as such the land of petitioner was forcibly encroached.

ii. For issuance of an appropriate writ in the nature of Mandamus directing the



respondent authorities to take action on the representation/ petition filed by the petitioner along with his brother who is 92 years old namely Barmeshwar Mishra on different dates such as 3.7.24, 24.7.24 and 31.7.2024 and also met the authorities but nothing was done."

3.The matter relates to the land situated in Mauza Rani Singhanpura in different Khata number vide Plot Nos. 907, 908, 909 and 910 in the name of the petitioner's father namely Ambika Mishra.

4. Learned counsel for the petitioner submits that as soon as he came to know that with a view to construct a village Pakka road, the soil is being hoarded on his land forcibly without consent or acquiring the raityati land, the brother of the petitioner gave a petition to the respondent no.1 on 03.07.2024 requesting for removal of encroachment of the land by hoarding soil. He further submits that on the aforesaid petition, the In-charge Officer, Complaint Monitoring Cell, Buxar wrote a letter to the respondent nos. 3 & 4, directing them to take action within a week and submit a action taken report but, till date, no action has been taken by them for removal of the



encroachment. The petitioner again filed a representation/petition to the respondent no.1 dated 27.07.2024 (Annexure-4/1), requesting for sending reminder to the authorities concerned to take action for removal of the encroachment but, the same is also pending consideration.

5. At this stage, learned counsel for the petitioner seeks a direction upon the respondent no.1/District Magistrate, Buxar to dispose of the representation dated 27.07.2024 (Annexure-4/1) pending before him.

6. The learned counsel for the respondent-State submits that in case the aforesaid representation dated 27.07.2024 (Annexure-4/1) is still pending, the same may be disposed of, within a stipulated time frame, as is fixed by this Hon'ble Court.

7. Having heard learned counsel for the parties and taking into account the entire facts and circumstances of the case, this Court deems it fit and proper to direct the respondent no.1/District Magistrate, Buxar to dispose of the



aforesaid representation dated 27.07.2024 (Annexure-4/1),
in case the same has not yet been disposed of, by passing a
final order under in accordance with law and after hearing
the affected parties, within a period of eight weeks from the
date of receipt/production of a copy of this order.

8. The writ petition stands disposed of on the
aforesaid terms.

(Rudra Prakash Mishra, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.09.2024
Transmission Date	

