

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5299 of 2018

Prameshwar Rai Son of late Ramautar Rai Resident of Village Terasiya,
Police Station Ganga Bridge, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Sub Divisional Magistrate, Vaishali at Hajipur.
3. The Circle Officer, Raghapur, District- Vaishali.
4. The Officer in Charge, Ganga Bridge, District- Vaishali.
6. Vijay Rai Son of late Ram Ratan Rai Resident of Village Govindpur,
District- Vaishali.
7. Devsharan Rai Son of late Ram Ratan Rai Resident of Village Govindpur,
Police Station Ganga Bridge, District-Vaishali.
8. Shadhu Sharan Rai Son of late Ram Ratan Rai Resident of Village-
Govindpur, Terasiya, Police Station Ganga Bridge, District- Vaishali
9. Amrit Rai Son of late Ram Ratan Rai Resident of Village-Govindpur,
Terasiya, Police Station Ganga Bridge, District- Vaishali
10. Jai Rai son of late Ram Ratan Rai Resident of Village-Govindpur, Terasiya,
Police Station Ganga Bridge, District- Vaishali
11. Nanhak Mahto Son of late Eshwar Mahto Resident of Village-Govindpur,
Terasiya, Police Station Ganga Bridge, District- Vaishali
12. VindaYadav Son of late Muneshwar Mahto Resident of Village-Govindpur,
Terasiya, Police Station Ganga Bridge, District- Vaishali
13. Upendra Mahto Son of late Lakhan Mahto Resident of Village-Govindpur,
Terasiya, Police Station Ganga Bridge, District- Vaishali

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar, Advocate
For the Respondent/s : Mr.Raj Kishore Roy, GP-18

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

8 31-08-2024 The present writ petition has been filed
seeking the following reliefs:-

*“1. i) For issuance of a writ in the
nature of Mandamus or any other
appropriate writ or order or direction,
commanding the respondents
authorities to remove encroachment
from the public road made by the*



private respondents.

ii) For issuance of a writ in the nature of Mandamus or any other appropriate writ, order or direction, commanding the respondents not encroach or use the public road which is in usage for Rasta by the petitioner and other public.

iii) For issuance of a writ in the nature of Mandamus or any other appropriate writ, order or direction, commanding the respondents authorities that, if any proceeding is pending for removal of the encroachment, the same be completed and the encroachment be removed.

iv) For issuance of a writ in the nature of Mandamus or any other appropriate writ, order, direction, commanding the respondent authorities to remove the idol which is used for encroachment of the public road."

2. Though it is the contention of the respondents, in view of paragraph no. 4 of the supplementary counter affidavit filed by the District Magistrate, Vaishali at Hajipur that the encroachment in question along with idols placed below the Pipal Tree has been removed, however, the learned counsel for the petitioner has filed a



supplementary affidavit on 11.08.2023, wherein it has been stated that encroachment has resurfaced, leading to the Circle Officer, Raghapur, District-Vaishali lodging an FIR bearing Ganga Bridge P.S. Case No. 249 of 2022 dated 04.10.2022, but the District Masgistrate, Vaishali at Hajipur has not taken any further action for removal of the encroachment in question.

3. Having regard to the facts and circumstances of the case and considering the fact that the District Magistrate, Vaishali at Hajipur has admitted to have removed the encroachment in question, which according to the petitioner has resurfaced, is directed to remove the encroachment by taking recourse to the due process of law, within a period of four weeks from today, failing which he shall not draw his salary.

4. Accordingly, the writ petition stands disposed off.

(Mohit Kumar Shah, J)

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