

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14405 of 2023

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Ganesh Prasad Jaiswal S/o Rampyare Lal Jaiswal, Resident of Village-
Aryasamaj Mandir, Ward No. 13, Narkatiaganj, P.S.-Sikarpur, Dist.-West
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector-cum-District Magistrate, West Champaran at Bettiah.
2. The Collector-cum-District Magistrate, West Champaran at Bettiah.
3. The Additional Collector, Bettiah, West Champaran.
4. The Sub-Divisional Officer, Narkatiaganj, Dist.-West Champaran.
5. The Executive Officer, Nagar Parishad, Narkatiaganj, Dist.-West Champaran.
6. The Circle Officer, Sikarpur Block, Dist.-West Champaran.
7. The Superintendent of Police, Bettiah, West Champaran.
8. The Officer-in-Charge, Sikarpur Police Station, Sikarpur, District-West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar, Adv.
For the State	:	Mr.Md. Khurshid Alam (AAG-12)
For the Nagar Parishad	:	Mr.Prashant Kumar, Adv.
		Mr.Manaur Alam, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 30-04-2024 1. The present writ petition has been filed seeking the
following relief(s):-

“I.I. To remove all encroachment from the public road connecting Badi Masjid to Arya Samaj Mandir Chowk under Narkatiaganj Town of West Champaran District as the encroachment in question was removed in an encroachment drive conducted by the respondent no. 5 on 19.07.2023, but, the same has reappeared.

II. To direct the respondents to ensure/to take



appropriate action so that the encroachment once removed shall not reoccur/reappear at the aforesaid place.

III. To hold that the public road in question can be used for the purposes of road only and its user cannot be changed by the concerned respondents.”

2. At the outset, the learned counsel for the petitioner has pointed out by referring to paragraph no.6 of the counter affidavit, filed by the Executive Officer, Nagar Parishad, Narkatiaganj, that in compliance to the earlier order of this Court dated 19.04.2023, the Nagar Parishad had conducted an encroachment removal drive and all the encroachment over the public road in question was removed. However, it is submitted that the said encroachment has again re-surfaced, hence the authorities of the Nagar Parishad be directed to remove the same. It is directed accordingly.

3. It is needless to state that if required, the authorities of the Nagar Parishad, shall take assistance of the railway authorities for ensuring that the encroachment made illegally is removed, forthwith.

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

(Mohit Kumar Shah, J)

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