

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15993 of 2023**

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Laksman Singh Son of Late Dudhnath Singh Resident of Village-Rukundipur,  
Tola Dhanauta, P.S.-Daraunda, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Secretary-Cum-Commissioner, Department of Revenue, Govt. of Bihar, Patna.
3. The Divisional Commissioner, Saran.
4. The District Magistrate, Siwan.
5. The Sub-Divisional Officer, Maharajganj, District-Siwan.
6. The Deputy Collector, Land Reforms (D.C.L.R.), Siwan.
7. The Circle Officer, Duraundha, District-Siwan.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Krishna Bihari, Advocate  
For the Respondent/s : Mr.Md. Khurshid Alam (AAG12)

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      19-04-2024                      Heard learned counsel for the petitioner and learned  
counsel for the State.

2. The present writ petition has been preferred for:

*issuance of Writ in the nature of Writ of  
Mandamus or any other appropriate Writ/Writs,  
Order/Orders, Direction/ Directions, commanding  
the respondents, particularly to the Respondent  
Nos.5, 6 and 7 to hold the spot enquiry and to  
direct the authority concerned to vacate the land  
for the use as common passage which is given by  
the petitioner.*



3. Mrs. Nutan Sahay, learned Assistant Counsel to Advocate General No. 12 on the basis of the statement of facts provided on behalf of the respondent nos. 4 to 7 submits that the petitioner himself is an encroacher to the extent of 1.3 & ½ dhoor in Survey No. 2071 (rasta). Further, pursuant to the direction of the DCLR, Maharajganj and the Circle Officer, Daraundha, Siwan got the land measured on 17.05.2022 and according to the report dated 30.05.2022, he was found to have encroached 1.3 & ½ dhoors.

4. Mrs. Sahay further submits that on 14.10.2022, the Circle Officer, Daraundha went to get the encroachment removed from the land, the petitioner made a request for grant of two months time and the said written request dated 14.10.2022 was also counter signed by the villagers.

5. Learned counsel appearing on behalf of the petitioner fairly submits that he is a landless person and if he is allowed some time, he will be moving out by himself.

6. Appreciating the said gesture made by the learned counsel after taking instruction from the petitioner and also taking into account that he is an aged person and landless as undertaken by him, four months time is granted to leave the land finally. This will come to an end on 18.08.2024. This



undertaking has been given by the learned counsel for the petitioner on taking instruction and if the petitioner fails to abide by the undertaking given in the Court and does not leave the place, finally, by 31<sup>st</sup> of August, 2024, the authority shall be free to take recourse to the remedy available under the law of the land.

7. The writ petition stands disposed of.

**(Rajiv Roy, J)**

Jagdish/-

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