

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17166 of 2024

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1. Madan Prasad Gupta Son of Shivraksha Saw, Resident of village- Shahganj, P.O. and P.S.- Aurangabad Town, District - Aurangabad (Bihar).
 2. Mamta Kumari, Wife of Alok Kumar, Resident of village- Ramnagar, P.O. and P.S.- Tandwa, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate -cum- Collector, Aurangabad.
3. The District Public Grievance Redressal Officer, Aurangabad.
4. The Additional District Magistrate -cum- Additional Collector, Aurangabad.
5. The Block Development Officer, Aurangabad.
6. The Circle Officer, Aurangabad.
7. The Circle Amin, Block - Sadar, Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Aman Vishal
For the Respondent/s : Mr.Standing Counsel (8)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 14-11-2024

In the instant petition, petitioners have prayed for the following relief(s):-

*i. For issuance of writ
in nature of mandamus directing
respondent authorities to vacate and
remove encroachment on private land
of petitioners,*

*ii. For issuance of writ
in nature mandamus directing
respondent authorities to provide
permanent passage/road to
petitioners for ingress and egress
from their respective house / plot of
land, or to restore earlier passage /*



road which was used by the petitioners and others since four to five decades.

iii. For issuance of writ in nature of mandamus directing the respondent authorities to grant compensation to the petitioners for illegally acquiring and using the rightful land of petitioner no. 1, situated at mauja – Aurangabad thana 560 khata no. 55 plot no. 39, 40, 41 admeasuring, area 6.68 decimals of land (as evident from Annexure - P/4), by constructing a boundary wall without following due process of law and denying petitioner to enjoy his own land.

iv. And, for any other relief(s) for which the petitioners may be found entitle to in the fact and circumstances of the case stated herein after.

2. Learned counsel for the petitioners submit that petitioners have grievance that petitioners' land bearing plot nos. 39, 40, 41 has been encroached by erecting boundary wall by the Government side and passage/road approaching towards petitioners' land has been totally blocked. He further submits that petitioners have represented their grievance before the District Magistrate, Aurangabad. He further submits that petitioners have also approached District Public Grievance Redressal Officer, Aurangabad and the concerned authority has



directed the Respondent No. 6 to submit a measurement report vide order dated 06.02.2023. He further submits that the measurement report has been submitted by Circle Amin, Block - Sadar, Aurangabad, as mentioned in Annexure P/4 to the writ petition where the grievance of the petitioners has been found genuine. Then, petitioners again represented their grievance before the District Magistrate, Aurangabad for redressal of their grievances but the concerned authority has not taken any action against the grievance of the petitioners.

3. Learned counsel for the State submits that though the report of Circle Amin, Block- Sadar, Aurangabad clearly indicates that petitioners' land has been encroached by erecting boundary wall and passage approaching towards the petitioners' land has been blocked. He further submits that from the perusal of representation of the petitioners dated 24.05.2024, as mentioned in Annexure 10 to the writ petition, it does not indicate that petitioner has represented before the District Magistrate, Aurangabad as no official receipt has been attached with the said representation. He, however, submits that in case a fresh representation is filed by the petitioner, the same shall be looked into by the concerned authority.

4. In the light of the aforesaid facts and



circumstances of the case, the present writ petition stands disposed of with liberty to the petitioner to file fresh representation before the District Magistrate, Aurangabad within four weeks from the date of receipt of this order and the concerned authority shall pass appropriate order after hearing the parties concerned, within six weeks from the date of filing of his representation.

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	15.11.2024.
Transmission Date	N/A

