

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.50 of 2024

Ashok Kumar Mishra Son of Sri Ramakant Mishra, R/o Village Nagdaha Tola
Sudisht Mishra, P.S.- Malahi, District- East Champaran, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
4. The District Magistrate, East Champaran, Motihari.
5. The Sub-Divisional Officer, East Champaran, Motihari.
6. The Circle Officer, Areraj, East Champaran.
7. Bhudev Mishra, S/o Sunerdeo Mishra, R/o Village Nagdaha Tola Sudisht Mishra, P.S.- Malahi, District- East Champaran, Bihar.
8. Guddu Mishra, S/o Kapildeo Mishra, R/o Village Nagdaha Tola Sudisht Mishra, P.S.- Malahi, District- East Champaran, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Saurav Singh, Adv.
For the Respondent/s : Mr.Sajid Salim Khan (SC- 25)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-06-2024 1. The present writ petition has been filed seeking
the following relief(s):-

“1. a. To issue an order/s in the nature of mandamus directing respondent authorities to immediately remove the encroachment from the public road situated in Mauza-Nagdaha Tola Sudhist Mishra, Khata No. 14, Khesra No. 2149, Area- 10 dhur which is a Gair Mazrua Aam Land and road as per the record of the Government of Bihar Revenue and Land Reforms Department,



Government of Bihar, Patna.

b. For a direction to Respondent no. 5 to dispose of the application u/s 133 of Cr.P.C. filed by the petitioner.”

2. At the outset, the learned counsel for the petitioner seeks a direction upon the Sub-Divisional Officer, Areraj, East Champaran at Motihari, to dispose off the application filed under Section 133 of the Code of Criminal Procedure, 1973 (Annexure-3 to the present writ petition).

3. Per contra the learned counsel for the respondent-State submits that in case any such application has been filed and is still pending, the same would definitely be disposed off, within a stipulated time frame, as is fixed by this Court.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Sub-Divisional Officer, Areraj, East Champaran at Motihari, to consider the aforesaid application filed by the petitioner under Section 133 of the Code of Criminal Procedure, 1973 and dispose off the same, by passing a reasoned and a speaking order, in accordance with law and after hearing the affected parties, within a period of six weeks of receipt/production of a copy of this order.

5. The writ petition stands disposed off on the



aforesaid terms.

(Mohit Kumar Shah, J)

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