

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16695 of 2023

Awadhesh Ray @ Awadhesh Kumar Son of Late Wakil Ray, resident of Village-Balathara, P.O.-Sohilpatti, Police Station-Basantpur, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, General Administrative Deptt. Govt. of Bihar.
2. The District Magistrate cum Second Appellate Authority, Siwan, District-Siwan.
3. The Additional Collector (Public Grievance Cell Redressal (cum First Appellate Authority, Siwan, District-Siwan.
4. The Sub Divisional Officer (S.D.O.) Public Grievance Cell Redressal Officer, Maharajganj, District-Siwan.
5. The Block Development Officer (B.D.O.) Basantpur, P.S. Basantpur, District-Siwan.
6. The Circle Officer (C.O.) Anchal-Basantpur, P.S. Basantpur, District-Siwan.
7. Mr. Sadalat Manjhi, son of Lalas Manjhi, resident of Village-Balathara, P.O.-Sohilpatti, Police Station-Basantpur, District-Siwan.
8. Mr. Raj Kumar Manjhi, son of Late Mohit Manjhi, resident of Village-Balathara, P.O.-Sohilpatti, Police Station-Basantpur, District-Siwan.
9. Mr. Sheo Kumar Manjhi son of Late Mohit Manjhi, resident of Village-Balathara, P.O.-Sohilpatti, Police Station-Basantpur, District-Siwan.
10. Mr. Lalit Manjhi, son of Bihari Manjhi, resident of Village-Balathara, P.O.-Sohilpatti, Police Station-Basantpur, District-Siwan.
11. Mr. Swaminath Manjhi son of Late Sukhari Manjhi, resident of Village-Balathara, P.O.-Sohilpatti, Police Station-Basantpur, District-Siwan.
12. Mr. Gautam Manjhi, son of Late Algu Manjhi, resident of Village-Balathara, P.O.-Sohilpatti, Police Station-Basantpur, District-Siwan.
13. Mr. Haresh Manjhi, son of Late Lalan Manjhi, resident of Village-Balathara, P.O.-Sohilpatti, Police Station-Basantpur, District-Siwan.
14. Mr. Umesh Manjhi, son of Late Badari Manjhi, resident of Village-Balathara, P.O.-Sohilpatti, Police Station-Basantpur, District-Siwan.
15. Mr. Parma Manjhi, son of Late Algu Manjhi, resident of Village-Balathara, P.O.-Sohilpatti, Police Station-Basantpur, District-Siwan.
16. Mr. Ganesh Manjhi, son of Ladan Manjhi, resident of Village-Balathara, P.O.-Sohilpatti, Police Station-Basantpur, District-Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ramchandra Sahni, Advocate
For the Respondent/s : Mr.Madan Jeet Kumar (GP- 20)



CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-05-2024 The present writ petition has been filed
seeking the following reliefs:-

“1. a) To issue Writ in the nature of Certiorari for quashing the order dated 01/9/2023 passed by the District Magistrate Siwan cum Second Appellate Authority Siwan in Case No. 9999901071222348677/2 Awadhesh Ray Versus Anchal Officer, Basantpur whereby the learned District Magistrate has closed the Encroachment Case No. 05/2022-23 initiated for removal of encroachment from Public Road Vide Thana No. 335 Khata No. 206, Survey No. 1181 Mauza-Balathara Area-1.2.6 dhoor observing that landless persons are residing on encroached land and Indira Awas have been constructed from government fund and encroachers belong to Scheduled Caste which is absolutely illegal, unjustified and contrary to the law.

b) To issue Writ in the nature of Mandamus commanding the respondents to remove the encroachment from the public road



made by the Respondent Nos. 7 to 16 so that communication of general people may not be disturbed along with the ambulance, fire vehicle etc. may come easily at the time of urgent situation."

2. After some arguments, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the District Magistrate, Siwan/Circle Officer, Basantpur, District-Siwan, for redressal of his aforesaid grievances. Liberty, so sought, is granted.

3. Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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