

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17170 of 2023

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Sitesh Kumar Son of Dinesh Prasad Resident of Village and P.O. and P.S.-
Majorgunj, District-Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The District Magistrate-Cum-Collector, Sitamarhi.
3. The Circle Officer, Majorgunj, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sangeet Deokuliar, Adv.
For the Respondent/s : Mr.Ajit Kumar (Ga 9)

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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(i). For issuance of Writ/s, Order/s, Direction/s
in the nature of Writ of Mandamus commanding
and directing the respondents to conclude the
entire proceedings of Case No. 03 of 2016-
17/Miscellaneous Case No. 03 of 2016/17 fixing
a time frame for removal of encroachment from
the land in question as described below.

(ii). For issuance of Writ/s, Order/s, Direction/s
in the nature of writ of Mandamus commanding
the respondents to release the Bihar Sarkar Sarva
Sadharan (Rasta) Land in question which is a
public road as evident from the Khatiyani but
wrongly and illegally about 30 dism of land has
been settled and mutated in the name of other
persons completely blocking/obstructing the way



due to their illegal construction.

(iii). For issuance of appropriate declaration that the action of the respondents concern in delaying the process of law and in not removing encroachment in question is highly illegal, arbitrary, malicious and tantamounting to violation of the Fundamental Rights, Human Rights and Natural Justice of the petitioner and other co-villagers & their families.

(iv). For issuance of appropriate declaration that the land in question is Bihar Sarkar Sarva Sadharan [Rasta] land.”

2. At the outset, the learned counsel for the petitioner seeks a direction upon the respondent no. 3, i.e. the Circle Officer, Majorgunj, District-Sitamarhi, to conclude the proceedings of the pending Encroachment Case No.3 of 2016-17.

3. *Per contra*, the learned counsel for the respondent-State submits that in case the aforesaid Encroachment Case 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 Respondent No. 3 to conclude the proceedings of the aforesaid Encroachment Case No. 3 of 2016-17, in case the same is still pending, by passing the final order under Section 6(1) of the Bihar Public Land



Encroachment Act, 1956, 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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