

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17856 of 2023

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Anil Kumar Son of Bairister Singh Resident of Village-Kasdewara, Pareman
Tola, P.S. Maharajganj, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary-Cum-Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The District Magistrate, Siwan.
3. The District Panchayat Raj Officer, Siwan.
4. The Circle Officer, Maharajganj, District-Siwan.
5. Sri Akhilesh Prasad Son of Late Hiralal Prasad Resident of Village-Kasdewara, Pareman Tola, P.S. Maharajganj, District-Siwan, at Present Kukhiya, Gram Panchayat Raj, Jigarwa, Block Maharajganj, District-Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ramadhar Shekhar, Advocate
For the Respondent/s : Mr.Government Pleader 14

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 29-01-2024 Heard the parties.

2. The petitioner has moved the Court for the
following reliefs:

*“That this writ application is being
filed for issuance of an appropriate writ/writs,
direction/directions or order/orders, especially
in the writ of Mandamus, commanding and
directing the respondent authorities particularly
the Circle Officer, Maharajganj (Respondent No.
4) and the Collector, Siwan (Respondent No.5),
being a custodian of the government land
situated under their jurisdiction, i.e. Khata No.
158, Survey Plot No. 882, 883, which has been*



recorded as Bhind Pokhara and Rasta, used for the purpose of Sanichar Market and public road respectively, as recorded in the Khatian of the aforesaid land but the said land was encroached by Shri Akhilesh Prasad (Respondent No. 6) at present Mukhiya of the Gram Panchayat Raj, Jigarwa, Block: Maharajganj (Siwan) who encroached the aforesaid land and constructed the pucca boundary over the aforesaid land.”

3. The Circle Officer, Maharajganj, District- Siwan has been approached by the petitioner for removal of encroachment by respondent no. 5, who is the *Mukhiya*.

4. It has been submitted by learned counsel for the petitioner that because of the influence of the respondent no. 5, the Circle Officer, Maharajganj, District- Siwan (respondent no. 4) is not taking any action against respondent no. 5 though an application has been made by the petitioner vide Annexure-3.

5. The Circle Officer, Maharajganj, District- Siwan is directed to take action on the application of the petitioner and if he finds that there is encroachment then he must initiate an encroachment proceeding against the respondent no. 5 and other encroachers and after hearing them pass a reasoned order in accordance with law within three months from the date of receipt/communication of a copy of this order. The petitioner shall also be heard by the Circle Officer.

6. The application stands disposed of.



7. Let a copy of this order be communicated to the District Magistrate, Siwan for its compliance through FAX or e-mail forthwith.

(Sandeep Kumar, J)

P. Kumar

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