

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7100 of 2015

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Anjani Kumar Shrivastava S/o - Late Anand Bihari Prasad resident of
Mohalla - Pran Tola Pataura Lala Tola, P.O. - Motihari, P.S. - Muffasil,
District - East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, East Champaran, Motihari.
3. The Learned D.C.L.R., Motihari, East Champaran.
4. The Circle Officer, Block - Motihari, District - East Champaran.
5. The Circle Officer, Block - Banjariya, District - East Champaran.
6. Shiv Braj Narayan Prasad
7. Shri Narayan Prasad Both are S/o - Late Gauri Shankar Prasad Shrivastava
resident of Mohalla - Pran Tola Pataura Lala Tola, P.O. - Motihari, P.S. -
Muffasil, District - East Champaran.
8. Shri Krishna Bihari Prasad
9. Shri Arjun Prasad Both are S/o - Late Dina Nath Prasad resident of Mohalla
- Pran Tola Pataura Lala Tola, P.O. - Motihari, P.S. - Muffasil, District - East
Champaran.
10. Shri Pramod Kumar S/o - not known to the petitioner. Member of
Legistaltive Assembly, 19, Motihari Assembly Contituency, resident of
Mohalla - Heanry Bazar, P.O. - Town, P.S. - Motihari Town, District - East
Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shri Prakash Srivastava
For the Respondent/s : Mr.S.S. Prasad- Sc10

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

10 01-08-2025 Heard learned counsel for the petitioner and learned
counsel for the Respondent-State.

2. The present writ application has been filed praying
for issuance of writ of mandamus for commanding the
respondent nos. 2 to 4 to remove the encroachment from the



public road over the lands of plot nos. 1089 and 1081 situated within village/mohalla Pataura, Lalatola Thana No. 199, because ingress and egress of the petitioner and other villagers have been adversely impacted.

3. Learned counsel for the Respondent-State submits that the encroachment has already been removed. In this regard, the Respondent-State has made statement in paragraph no.-6 of its supplementary counter-affidavit filed by respondent no. 4, Circle Officer, Sadar Motihari. Paragraph no. 6 is quoted hereinbelow for the needful:-

6. That from the order dated 10.07.2017 it appears that the proceeding of the encroachment case was stayed due to filing of CWJC No. 7100 of 2015. From order dated 28.04.2018 it appears that the date of removal of the encroachment was fixed on 29.04.2018 as per the direction of the Sub Divisional Officer, Motihari Sadar. From the order dated 29.04.2018 it appears that the encroachment was removed.

4. Learned counsel for the petitioner, however, submits that from paragraph no.- 7 of the same supplementary counter-affidavit filed by the respondent no. 4, it is apparent that the respondent no. 4 is himself admitting that some encroachment have resurfaced over the portion of the public



land in question. Paragraph no. 7 of the same supplementary counter-affidavit is quoted hereinbelow for the needful:-

7. That in present context it is relevant to point out and submitted that it is in compliance of the order dated 10.04.2025 and in order to affirm the present status of the encroachment that the Circle Officer, Motihari, vide her order contained in Memo No. 1547 dated 30.04.2025 that the Circle constituted a team of Amins to verify the present status of the encroachment concerned. The team of Amins measured the public land in question and submitted its report on 02.05.2025. From perusal of the report of the Amins it appears that there is still some encroachments found resurfaced over the portion of the public land in question.

5. Learned counsel appearing for the petitioner, therefore, submits that this writ application may be disposed of directing the respondents for removing the encroachments which have resurfaced over the portion of public land in question.

6. Learned counsel appearing for the State does not have objection to the prayer being made by the learned counsel



for the petitioner.

7. This writ application is, therefore, disposed of directing the respondent nos. 2 to 4 to remove the encroachments that have surfaced over the portion of public land in question as admitted by the Circle Officer, Sadar Motihari in his supplementary counter-affidavit. This must be done as expeditiously as possible following the due process of law.

8. The writ application is accordingly disposed of with the aforesaid observation and direction. All pending Interlocutory Applications, if any shall stand disposed of.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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