

GP. 17
20/3/12

IN THE HIGH COURT OF JUDICATURE AT PATNA

(CIVIL WRIT JURISDICTION)

C. W.J. C.NO. _____/OF 2012

NARESH KUMARPETITIONER.

V E R S U S

THE STATE OF BIHAR & OTHERSRESPONDENTS.

S Y N O P S I S O F T H E C A S E

Reliefs:- For issuance of writ/order/direction to the respondents for removing the encroachment over Khata No.43 ,Plot No.5171 (old) corresponding to Plot No. 8047 (New) situate in village-Sukhasan Police Station- Singheshwar in the District of Madhepura.

Para-5 at Description of the lands in question.

Page-5

15.4.2011. Public Petition dated 15.4.2011 filed by the Villagers (Ann-1) Para-6 at Page-5 before the Respondent No. 3.

IN THE HIGH COURT OF JUDICATURE AT PATNA

(CIVIL WRIT JURISDICTION)

G. W. J. C. NO. _____/OF 2012

NARESH KUMAR (..... . PETITIONER.

V E R S U S

THE STATE OF BIHAR & OTHERSRESPONDENTS.

SUBJECT:- P. I. L. MATTERS

I N D E X

<u>SL. NO.</u>	<u>PARTICULARS</u>	<u>PAGES</u>
1.	Main petition with Affidavit.	1- 8
2.	Annexure-'1' A true/photo copy of the Public Petition dated 15.4. 2011.	

_____ 970

3. VAKALATNAMA.

TO,

The Hon'ble Ms. Justice Rekha M. Doshit, Hon'ble
the Chief Justice of the High Court of Judicature
at Patna and his Companion Justices of the said
Honible High Court.

The humble petition on
behalf of the petitioner
above named;

MOST RESPECTFULLY SHEWETH:-

1. That this application is being filed for
issuance of appropriate writ/order/direction for
granting following reliefs:-
 - A. A Mandamus Commanding the respondents for
removing the encroachment over Khata No.43
Plot No.517 (old) corresponding to Plot No.
8047 (New) Situate in Village-Sukhasan
P. S. Singheshwar in the District of
Madhepara.

B. Any other relief or reliefs which may be granted in the fact and circumstances of the case may kindly be granted.

2. That interalia following questions arise for consideration in this case.

I. Whether ^{the} Respondent authorities are ^{under} legal obligation to remove the encroachment over the lands in question ?.

II. Whether the lands in question is the Public Road and due to unauthorised and illegal encroachment, the free flow of Traffic has been obstructed ?.

III. Whether Plot No.8047 is the only Road, of the Village which links the main Road ?.

3. That the petitioner is a citizen of India and resides within territorial Jurisdiction of this Hon'ble Court.

4. That this application is being filed in the representative capacity of the People of the Leclaity village.

5. That the lands in question is situated in village-Sukhasan Police Station-Singheshwar District-Madhepura, The description of lands in question is as follows:-

<u>VILLAGE</u>	<u>KHATA NO.</u>	<u>PLOT NO.</u>
Sukhasan	43	5171 (old) 8047 (New).

6. That a Public Petition was filed by the villagers on 15.4.2011 before the circicle Officer (Respondent No.3) stating therein that Khata No.43 Plot No.5171 (old) corresponding to Plot No.8047 (New) is the Ass Rasta and it the only, read which links the main road. But it has been encroached by some unsocial element and as a result of which villagers are facing great difficulties for coming to the

9. That the petitioner has been left with no other alternative and equally efficacious remedy than to move this Hon'ble Court for the redressal of the grievances.

10. That the petitioner has not moved earlier before this Hon'ble Court for the reliefs as Prayed for in para-1 of this petition.

It is, therefore, prayed that Your Lordships may graciously be pleased to admit this application issue, Rule NISI, asking the respondents to show cause as to why the relief prayed in Para-1 of this petition be not granted to petitioner and on cause being shown, if any and after hearing the parties be pleased to allow it by granting reliefs as the

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petitioner in ^{term} ~~with~~ ~~XXXXXXXXXX~~ of Para-

1 of this petition and be further
pleased to make Rule absolute against
the respondents.

A N D / O R

Pass such other order or orders as

Your Lordships may deem fit and proper

in the facts and circumstances of the

case.

AND FOR THIS THE PETITIONER SHALL EVER PRAY.

A F F I D A V I T

I, Naresh Kumar (Aged about 30 Years), Son of Sri Raj Kishore Yadav, resident of Village- Sukhasan, Police Station- Singheshwar, District- Madhepura, do hereby solemnly affirm and state as follows:-

1. That I am Petitioner in this case and as such am well acquainted with the facts and circumstances of the case.
2. That the contents of the petition have been read over and explained to me in Hindi which I have fully understood the same.
3. That the Statement made in paragraphs Nos. 3 to 6 and 7 8 8 are true to my knowledge and those made in paragraphs Nos. 6 are true to my information and rests are by way of submission before this Hon'ble High Court.
4. That the Annexure is true/photo copy of its originals.

अने उक्त चर:- "।"

रिक्त मंत्र

उत्कथककारी

रिक्तिकर विद्या-मधेश्वर

विषय:- वाता नं० एच० प्लेट नं० 517। (पु०) आर० एत० ए० नं० 8407

ग्राम सुआसन मे अतिथित को अति क्रम्य ते मुक्त करने के सम्बन्ध में।

महाशय,

साधन निवेदन है कि उपरोक्त क्षेत्र को जमीन ग्राम रास्ता है और यह मुख्य मार्ग पर जाने का एक मार्ग रास्ता है। परन्तु उपरोक्त क्षेत्र को जमीन को अतिसामिक तत्वों द्वारा अधि स्मृत कब्जा कर लिया गया है। जिससे ग्राम ग्राहकों को मुख्य मार्ग पर जाने में बहुत कठिनाई होती है एवं इससे वायादात भी बाधित होता है।

अतः श्रीमान् से निवेदन है कि कृपया कृपया करवाकर उपरोक्त क्षेत्र को जमीन को अतिथित करने मुक्त कराया जाय।

आशा रिक्तवाती

। अने न ताह

15. 4 2011.

2. राज किशोर बाबत

3. दिलीप बाबत

4. जमर बाबत

5. रतीन्द्र कुमार रम्ण

अ-1
6
5

सदस्य

17/11/2011
अंचल अधिकारी,
सि. ई. 202
जि० - मधुपुरा

विषय :- खाता नं० 43 प्लॉट नं० 5171
(पु) R.S.P. No-8407 ग्राम सुरवासन में
अवस्थित को अतिक्रमण से मुक्त करने के सम्बन्ध
में।

महोदय,
की जमीन सखिबय विवेदन है कि उपरोक्त खेसरा
की जमीन आम रास्ता है और यह मुख्य सड़क
पर जाने का एक मात्र रास्ता है परन्तु उपरोक्त
खेसरा की जमीन को असमाजिक तत्वों द्वारा
अवैध रूप से कब्जा कर लिया गया है जिससे
दम ग्रामीणों को मुख्य मार्ग पर जाने में बहुत
कठिनाई होती है एवं इससे आवागमन भी बाधित
है।

अतः श्री मार से विनम्र विवेदन है
कि इसको जॉब क्लॉक उपरोक्त खेसरा की
जमीन को अतिक्रमण से मुक्त कराया जाय।
आपका विश्वास

15/11/11

(1) अर्जुन शर्मा

70

(2)

(1) राजकिशोर भादव

(2) दिलिप भादव

(4) अमर भादव

(5) रवीन्द्र कुमार रमण