

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2817 of 2015

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1. Mohammed Daood S/o Mehboob Ali, resident of Village- Kamroan, P.S.
Dalsingsarai, Distt.- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Samastipur
3. The Circle Officer, Dalsisarai
4. The Sub-Divisional Officer, Dalsisarai
5. Md. Farookh S/o Late Nawaji Ali, resident of Village- Kamroan, P.S.
Dalsingsarai, Distt.- Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Jha, Adv.

For the Respondent/s : Mr. Harish Kumar, G.P.32

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

2 13-08-2015 The petitioner complains of encroachment by the private respondent on what he calls a public land bearing Khesra No.2195 admeasuring 0.03¼ decimals situated in village kamroan P.S. Dalsingsarai, District Samastipur.

A writ petition bearing C.W.J.C.No.12794 of 2011 was filed by the petitioner complaining of encroachment and which was disposed by this Court on 19.3.2012 with a direction to the Circle Officer to conclude the encroachment case so initiated against the private respondent bearing Encroachment case No.4 of 2008-09 in accordance with law. Complaining of non compliance the petitioner again moved in M.J.C.No.4317 of 2012 and at that stage the respondents filed a show cause submitting that the



encroachments have been removed after carrying out measurement as directed by the writ Court. Since the petitioner yet had complained of encroachment subsisting that the contempt application was disposed of with a liberty to the petitioner to approach the Circle officer, Dalsingsarai in the matter and who was required to examine and dispose of the same in accordance with law. Copies of the order passed in the writ petition and the contempt application are placed at Annexures-10 and 11 to the writ petition. What the petitioner complains now is that although he has drawn the attention of the Circle Officer, Dalsingsarai on 28.12.2013 regarding the encroachment yet prevailing despite the process of removal of encroachment so carried out by him but the same has not been disposed of .

Having heard learned counsel for the parties and considering the directions as contained in the order of this Court passed in M.J.C.No.4317 of 2012 requiring the Circle Officer, Dalsingsarai to examine any such complaint of the petitioner, this writ petition is disposed of with a direction to the Circle Officer, Dalsingsarai to examine the issues raised by the petitioner in his representation dated 28.12.2013 and dispose of the same after giving opportunity of hearing to the alleged encroacher and in case any fresh measurement is to be carried out on the present

complaint of the petitioner, the Circle Officer would carry out the same with due notice and in the presence of the parties. An early disposal within 3 months from the date of receipt/production of a copy of this order would be appreciated.

(Jyoti Saran, J)

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