

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1022 of 2015

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1. Ramashish Roy Son of Late Laxmi Narayan Roy resident of Village + PO - Jitwariya, Police Station - Kalyanpur, District - Samastipur presently residing at Old Post Office Road, Ward No. 10, Nagarpalika Police Station - Town, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Samastipur.
2. The Deputy Collector Land Reforms, Samastipur.
3. The Sub-Divisional Officer, Samastipur.
4. The Circle Officer, Samastipur.
5. The Executive Officer, Samastipur Municipal Council, Samastipur.
6. The Anchal Amin Samastipur Block, Samastipur.
7. Pradeep Kumar Khemka S/o - Late Kesardeo Khemka resident of Mohalla - Marwari Bazar, Ward no. 2, P.S. - Town, District - Samastipur.
8. Kanchan Shiwani Bala W/o - Sri Diwakar Modi resident of Village - Ambedkar Nagar, Ward no. 24, P.S. - Town, District - Samastipur.
9. Mina Modi W/o Sri Suresh Kumar Modi resident of Village - Ambedkar Nagar, Ward no. 24, P.S. - Town, District - Samastipur.
10. Jyoti Modi w/o Sri Dipak Kumar Modi resident of Vill. - Ambedkar Nagar, P.S. - Town, Ward no. 24, District - Samastipur.
11. Sardar Rajendra Singh Son of Sardar Santosh Singh
12. Kuljit Kaur W/o - Sardar Rajendra Singh Both respondent no. 11 & 12 are resident of Mohalla - Gudari Bazar, Ward no. - 20, P.S. - Town, District - Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar, Adv.

For the Respondent/s : Mr. Prashant Pratap, GP-6

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 08-04-2015 Heard Mr. Manish Kumar learned counsel for the petitioner, learned counsel for the State and Mr. Durga Nand Jha, learned counsel for the Executive Officer, Samastipur Municipality.

The petitioner is aggrieved by the order dated 22.11.2014 passed by the Collector, Samastipur in Land Encroachment

Appeal No. 12 of 2012 whereby the Collector, Samastipur as a appellate authority under the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act') while dismissing the appeal has confirmed the order dated 16.8.2008 passed by the Circle Officer, Samastipur while exercising powers of Collector under 'the Act'. The petitioner had complained against the alleged encroachment by the private respondents on a land bearing Khata No. 286 Khesra No. 225(old), 279(new) in Ward No. 8 of the Samastipur Municipality.

The petitioner had earlier moved this Court in C.W.J.C. No. 8038 of 2008 and which was disposed of with a direction to the statutory authorities to conclude the encroachment proceedings arising from Encroachment Case No. 7 of 2006-07. The proceedings have been taken to its logical conclusion and there is a concurrent findings of fact by the original authority as well as the appellate authority that there is no encroachment by the private respondents on the public land in question and which position is also affirmed by the Municipality.

In the circumstances, no cause for indulgence is made out and the writ petition is disposed of.

Bibhash/-

(Jyoti Saran, J)

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