

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14067 of 2014

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1. Damodar Singh S/o Late Mathura Singh R/o village - Bithuna, P.S. Basantpur, District - Siwan

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Collector cum District Magistrate, Siwan
3. The Deputy Development Commissioner, Siwan
4. The Circle Officer, Basantpur Prakhand, District - Siwan
5. The Station House officer, Basantpur Police Station, District - Siwan
6. Mukhia, Basantpur Panchayat, Basantpur, P.S. Basantpur, District - Siwan
7. Md. Yusuf @ Babloo son of Kudrat Hussain resident of Kudrat Market, Opposite Block Government Hospital, Basantpur, District Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Rai

For the Respondent/s : Mr. Ashok Kumar Keshri

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 23-03-2015

The petitioner complains that the public land in village Basantpur of Siwan district has been encroached upon by respondent no. 7, ex-Mukhia of the same Panchayat and still the government or the authorities of the Revenue Department is not taking any step for removal of the same.

Circle Officer, Basantpur Prakhand (respondent no. 4) on the one hand and respondent no. 7, the ex Mukhia, on the other hand has filed their respective separate counter affidavits.



Respondent no. 4 has stated that on noticing the fact that the government land to the extent of 2 Kathas and 10 dhurs has been encroached upon by respondent no. 7, steps are being initiated for removal thereof. Nature of steps taken in this respect has been given in detail.

Respondent no. 7, on the other hand, in his counter affidavit has denied the allegation as to the encroachment. He stated that his sister-in-law filed Title Suit No. 123 of 2010 in respect of that very land.

Heard Mr. Satyendra Rai, learned counsel for the petitioner, and Mr. Ajay Mishra, learned counsel for respondent no. 7.

The pleadings disclose that the government land to the extent of 2 katha 10 dhurs has been encroached upon by respondent no. 7. Respondent no. 4 has rightly taken steps for removal thereof. It is not known whether the subject matter of Title Suit No. 123 of 2010 is the very land which is said to have been encroached upon by respondent no. 7 or some other land.

Be that as it may, respondent nos. 3 and 4 shall take immediate steps for removal of the encroachment from the government land within a period of two months from the date of receipt/production of a copy of this order.

This writ application is disposed of with the
direction aforesaid.



Amin/-

(L. Narasimha Reddy,CJ)
(Vikash Jain, J)

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