

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13911 of 2012

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Sita Devi

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar

For the State : Md. Nadim Seraj, G.P.20

Mr. Dharendra Kumar, AC to GP 20

For the Pvt. Respondent: Mr. Jitendra Prasad Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL ORDER

19 15-01-2015 The petitioner prays for removal of encroachment from her raiyati land bearing Khesra No.114 of Village Sikandarpur and for further direction to the respondents to remove the encroachment from Plot No.152 and 156 encroached by the private respondent Nos.7 to 9.

It is unfortunate that in the petition neither Khesra number of the plot nor Mauza is mentioned.

Pursuant to notice the private respondent nos. 7 to 9 have entered appearance and filed counter affidavit.

I.A. No.6981 of 2014 has been filed by the petitioner seeking stay of the operation of notice dated 4.9.2014 issued by the Anchal Adhikari, Begusarai in Encroachment Case No.03/2011-12/01 of 2014-15.

It appears that Encroachment Case No.03 of 2011-12 was



initiated. The Circle Officer, Begusarai initially reported that the private respondents have not encroached upon any government land. The petitioner brought to the notice of this Court that the matter has been decided by the Circle Officer without due opportunity to her. In this view of the matter, this Court directed the Circle Officer to re-open the matter and decide the issue of encroachment with respect to Plot Nos.114, 152 and 156 of Mauza Sikandarpur Rajaura, Thana No.222, Khata No.346. It appears that the matter has not been finally decided as yet.

It goes without saying that the Circle Officer, Begusarai after giving due opportunity of hearing to all concerned would decide whether there is any encroachment on government land by any of the parties on plot nos.114, 152 and 156. It is expected that the Circle Officer would decide the issue within four months from the date of receipt/production of a copy of this order.

Till then, status quo, as of today, shall be maintained.

It is made clear that in case if any encroachment on public land is found, the Circle Officer would be within its right to direct removal of the same.

With the aforesaid observations and directions, I.A.

No.6981 of 2014 as well as instant writ application stands disposed of.

(Samarendra Pratap Singh, J)

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