

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9571 of 2014

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Navi Rasul Saiphi, son of Kadir Mian, resident of village - Kuar Bathua,
P.S.- Fulwariya and District – Gopalganj.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Department of Land Revenue and Land Reform.
2. The District Magistrate, Gopalganj
3. The Sub Divisional Officer, Hathua, District - Gopalganj
4. The Circle Officer, Phulwariya, Distt. - Gopalganj
5. Anil Ram, son of Tulsi Ram
6. Manoj Ram, son of Tulsi Ram
7. Sant Raj Ram, son of Tulsi Ram
8. Brijbhar Ram, son of Tulsi Ram
9. Tulsi Ram, son of Saryu Ram

All are residents of village - Kotwan, P.S. Phulwariya, Distt. – Gopalganj.

10. Shahid Mian, son of Malazim Mian, resident of village - Kuar Bathua,
P.S. Fulwariya and District - Gopalganj

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Verma, Advocate
For the Respondent/s : Mr. Bhaskar Shankar, AC to G.P.-16

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 17-09-2015 It is contended on behalf of the petitioner that the private respondents have encroached upon public land of Plot No.584 appertaining to Khata No.122 of village-Kuar Bathua, District-Gopalganj, which stands recorded in the record of right as “*Gairmazarua Aam Rasta*”. Though Encroachment Case No.3/2013-14 is pending before the Circle Officer, Phulwariya, but nothing has been done till date. Learned counsel draws attention towards the report of Anchal Amin, Phulwariya in the aforesaid case finding encroachment upon the concerned public

land by the private respondents. The petitioner submits that when nothing has been done, he moved before the Sub-Divisional Officer, Hathua, Gopalganj under Section 133 of Cr.P.C, however, no final order has been passed. Lastly, he moved before the Collector, Gopalganj vide Annexure-4. However, he has also not taken any steps in this regard.

Having regard to the aforementioned facts and circumstances, this writ application is being disposed of, without going into the merit of the case, with a direction to the Circle Officer, Phulwariya (respondent no.4) to conclude the Encroachment Case No.3/2013-14 on its own merit and in accordance with law after granting reasonable opportunity to all the concerned within a period of three months from the date of receipt/production of a copy of this order, if the same has already not been done.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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