

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.444 of 2014

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Ram Dayal Rai, S/o Late Yugal Rai, R/O Maniyarpur, P.S- Warisnagar,
District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. District Magistrate, Samastipur.
3. Sub- Divisional Officer, Samastipur.
4. Circle Officer Warisnagar, District- Samastipur.
5. Lakhan Sharma, S/O Late Nathuni Sharma, R/O Village- Mauiyanpur,
P.S- Warisnagar, District- Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Respondent/s : Mr. Gautam Bose, AAG-8

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 26-02-2015 Heard the parties.

Although the petitioner has prayed for a direction to the Circle Officer, Warisnagar, district- Samastipur to conclude the Encroachment Case No.2 of 2004-05 (State vs. Lakhan Sharma) but perusal of the records manifests that the said encroachment case stands concluded under order dated 17.6.2004 and following which by order dated 30.6.2004 the encroachment was directed to be removed under the order of the Circle Officer, a copy of which is placed at Annexure-2. The alleged encroacher Lakhan Sharma went in appeal under the provisions of the Bihar Public Land Encroachment Act, 1956 giving rise to Encroachment Appeal No.745 of 2004 and the

Collector, Samastipur vide order dated 4.2.2006 after setting aside the order has remitted the matter to the Circle Officer for fresh consideration and disposal.

Upon remand the case was re-numbered as Misc. Case No.01 of 2013-14 as is manifest from paragraph 8 onwards of the counter affidavit and the Circle Officer during the course of consideration of the matter on remand came of the opinion that a Jamabandi had been created in the name of one Yogendra Sah in the year 1998 and in such view of the matter the case was referred to the Deputy Collector, Land Reforms, Samastipur under the provisions of the Bihar Land Disputes Resolution Act, 2009 for consideration of the issue and for passing appropriate orders which was registered as Case No.155 of 2014. It is stated in paragraph 10 of the counter affidavit that notice has been issued to the parties and the matter is fixed for hearing before the Deputy Collector, Land Reforms.

Having considered the issue raised, I am of the opinion that where the matter has been referred before the Deputy Collector Land Reforms for consideration and disposal, there cannot be any parallel direction by this Court for conclusion of the encroachment case since at present no such encroachment case is existing before the Circle Officer. The

petitioner may pursue his grievances before the Deputy Collector, Land Reforms, Samastipur in the pending proceedings.

The writ is accordingly disposed of.

(Jyoti Saran, J)

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