

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20 of 2015

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Lakhan Yadav, son of Late Bandhu Gope, resident of Village - Kaila, P.S. - Sare, Via - Asthawan, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Collector of the District, Nalanda at Biharsharif.
3. Superintendent of Police, Nalanda at Biharsharif.
4. Deputy Collector, Land Reforms, Biharsharif, Nalanda.
5. Sub-Divisional Officer, Biharsharif, Nalanda.
6. Circle Officer, Asthanwan, Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Respondent/s : Mr. Sunil Kr. Mandal, SC-24

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

5 09-03-2015

Heard the parties.

The grievance of the petitioner is that despite the order passed in CWJC No.8468 of 2011 and analogous cases requiring the Circle Officer, Asthawan, District- Nalanda to proceed with the encroachment proceedings in accordance with the provisions of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act'), it has not yet concluded.

The petitioner who also happens to be one of the encroachers submits that though the encroachment case was initiated in the year 1988 bearing Encroachment Case No.7 of 1988-89/8 of 2007-08 it continues to remain pending before the Circle Officer who is the Collector under 'the Act' without there being any sign of its conclusion and it is the petitioner alone

who was singled out and his constructions removed on charge of encroachment.

The matter was adjourned requiring Mr. Sunil Kumar Mandal, learned Standing Counsel No.24 to ascertain the position of the encroachment case and is being taken up today when a statement has been made at the Bar by Mr. Mandal, learned Standing Counsel No.24 that the encroachment case would be concluded within two months. He submits on instruction given by Shri Uma Shankar Ram, Circle Officer, Asthawan that the encroachment proceedings would be concluded in accordance with law, within two months from today.

Taking into consideration the submissions made at the Bar by Mr. Mandal, learned Standing Counsel No.24, appearing on behalf of the Circle Officer, Asthawan, the writ petition stands disposed of requiring the Circle Officer to abide by his undertaking given before this Court and dispose of the encroachment proceeding in accordance with law and after hearing the parties, within a period of two months from today.

(Jyoti Saran, J)

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