

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14917 of 2014

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Banshidhar Singh Yadav, Son of Raj Narayan Yadav, residents of village -
Sahuka, Police Station - Ramgarh, District - Kaimur (Bhabhua)

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Kaimur (Bhabhua)
3. The Circle Officer, Ramgarh, Kaimur
4. Shiv Sagar Singh, Son of Late Baijnath Singh
5. Dayanand Singh, Son of Shiv Sagar Singh
6. Singhasan Singh, Son of Darbari Singh
7. Ram Bachan Singh, Son of Ram Surat Singh
8. Harihar Tiwari Son, of Late Chintamani Tiwari
9. Chandra Shekhar Tiwari, Son of Dashrath Tiwari
10. Radha Tiwari, Son of Dashrath Tiwari
11. Ram Nagina Tiwari, Son of Dashrath Tiwari
12. Mukesh Singh, Son of Late Rameshwar Singh.

All are residents of village - Sahuka, Police Station - Ramgarh, District -
Kaimur (Bhabhua)

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shankar Kumar Thakur, Advocate

For the Respondent/s : Mr. Praveen Kumar, AC to GP-27

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

4 17-09-2015

I have heard learned counsel for the parties.

It is contended on behalf of the petitioner that despite
the final orders having been passed by the Circle Officer,
Ramgarh for removal of encroachment from the Plot No.187
appertaining to Khata No.426, which is a public land of Mauza-
Sahuka, District-Kaimur at Bhabhua measuring 1.05 acre, no
further step for removal of encroachment has been taken.



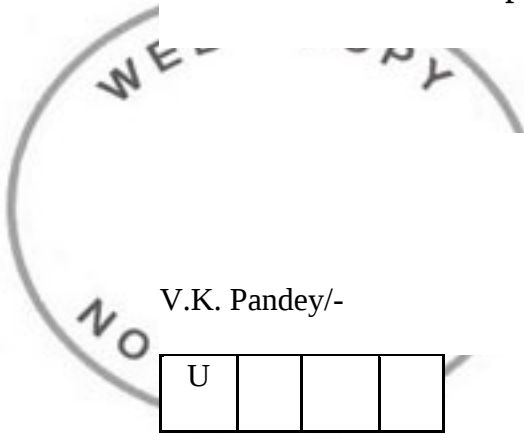
The Circle Officer, Ramgarh, Kaimur at Bhabhua is present along with the records of Encroachment Case No.01 of 2011-12. It appears from the record that final order for removal of encroachment was passed on 27.08.2013 itself. It has also been informed by the Circle Officer that no appeal has been filed against that order and still nothing has been done. He undertakes that he will proceed in accordance with law and bring the proceeding to its logical conclusion within a period of three months.

However, it is made clear that since notices have not been issued upon the private respondents, this Court has not formed any opinion upon the merit of the case.

It appears that since final order has already been passed by the Circle Officer, the aggrieved person has right to file appeal against the same and the order becomes final subject to order passed in appeal filed by the concerned person, if any. It further appears that again a notice has been issued against the respondents who are required to respond to that in accordance with law.

Since this Court has not considered the case on merit, this writ application is being disposed of with the aforesaid observation without issuing notice upon the private respondents

in view of the undertaking given by the Circle Officer concerned.
His personal appearance is dispensed with.



V.K. Pandey/-

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(Dr. Ravi Ranjan, J)