

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19251 of 2014

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Umesh Pandey son of Manibansh Pandey, resident of village- Satuahi, P.S.-
Jamhore, District- Aurangabad Petitioner

Versus

1. The State of Bihar,
2. The District Magistrate, Aurangabad
3. The Sub-Divisional Officer, Aurangabad
4. The Circle Officers Barun, P.O. and P.S.- Barun, District- Aurangabad
..... Respondents

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate
For the Respondent/s : Mrs. Nivedita Nirvikar, G.A.-10
Mr. Manish Dhari Singh, A.C. to G.A.-10

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI
and
HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

Date: 10-12-2015

The present application, under Article 226 of the Constitution of India, in the nature of *Public Interest Litigation*, has been filed, seeking a direction to remove encroachment from the public land at village-Satuwahi, appertaining to Khata No. 60, Plot No. 271, admeasuring 1.56 acres, in the light of an earlier order, passed by the Circle Officer, Barun, dated 12.12.2007, in Encroachment Case No. 04 of 2006-07 and, subsequent order, dated 18.10.2012, passed in Encroachment Appeal Case No. 267 of 2008, by the District Magistrate, Aurangabad.

2. A counter affidavit has been filed on behalf of respondents no. 2 to 4 stating therein that the encroachers have been noticed to vacate the said land vide notice, dated 14.11.2015 by

30.11.2015, else, they would be removed, by use of force on 02.12.2015.

3. It is stated by Mrs. Nivedita Nirvikar, learned Government Advocate No. 10 appearing on behalf of the respondent-State of Bihar, on instructions, that the encroachment in question has, in fact, been removed.

4. Learned counsel appearing on behalf of the petitioner, however, states, on instructions, that certain encroachments are still there, over the land.

4. A Division Bench of this Court by order, dated 24.11.2015, passed in C.W.J.C. No. 4309 of 2015, has given general direction to be followed by all concerned with respect to removal of encroachment from public land. If any of the grievance of the petitioner, in the present proceeding under *Public Interest Litigation* still subsists, he would be at liberty to approach appropriate authority, by referring to the said order, dated 24.11.2015, passed in C.W.J.C. No. 4309 of 2015 (*Sanjay Jha v. The State of Bihar & Ors.*).

The present proceeding stands closed, with the observation, as above.

(I. A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

Vats/-

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