

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3670 of 2015

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Md. Ekbal, son of - Late Md. Hasim Mian, Resident of Vill- Fatehpur, ward No. 12,
P.O + P.S- Barauli, District- Gopalganj,

.... Petitioner

Versus

1. The State of Bihar .
2. The Collector, Gopalganj.
3. The Sub Divisional Officer, Gopalganj.
4. The Circle Officer, Barauli, Distt.- Gopalganj.
5. The Officer, in charge, Barauli Police Station, Barauli, Distt- Gopalganj.

Respondents 1st Set

6. Shiv Nath Manjhi, Son of Late Saryug Manjhi.
7. Rajendra Manjhi, Son of Late Saryug Manjhi.
8. Munna Manjhi, Son of Late Raghunath Manjhi, All are residents of Village- Fatehpur, P.O + P.S- Barauli, District- Gopalganj.

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.... Respondents 2nd Set

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Appearance :

For the Petitioner : Mr. S. Rahman,
Mr. Anuj Kumar, Advocates

For the State : Mr. Kamlesh Kishore, A.C. to G.P. 2

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 07-10-2015

Heard learned counsel for the petitioner and the State.

Petitioner claims that upon the application of his father (since deceased), the encroachment case was initiated which has resulted in removal of the encroachment from the public land of survey plot no.240 of village Fatehpur, Circle Barauli, District, Gopalganj. However, within two hours of removal of such encroachment, the private respondents have again made encroachment upon the land. Petitioner again approached the Anchal

Adhikhari but no action has been taken as yet.

Having regards to the facts and circumstances of this case, the same is being disposed of, without going into the merit of the case, with a liberty to the petitioner to approach the Collector, Gopalganj by filing a representation giving all the details, who shall examine the matter either by himself or get it examined by any competent authority. If the encroachment is found on the public land then that would not only be required to be removed in accordance with law after granting reasonable opportunity to all the concerned persons including the private respondent but steps should be also taken to ensure that the same is not encroached by any person again. Let the aforesaid exercise be completed within a period of four months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

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