

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13609 of 2012

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Krishna Singh Son Of Kedar Singh Resident Of Village - Ekeari, Police Station -
Sahar, District - Bhojpur

.... Petitioner

Versus

1. The State Of Bihar Through It'S District Collector, Bhojpur At Arrah
2. The Sub Divisional Officer, Bhojpur, Arrah
3. The D.C.L.R. Bhojpur, Sadar, Arrah
4. The Circle Officer-Cum-Block Development Officer, Sahar, Bhojpur

.... Respondents

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Appearance :

For the Petitioner : Mr. MD. ATAUL HAQUE, Advocate

For the State : Mr. Kumar Alok, SC8

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 24-09-2015

Heard learned counsel for the petitioner and the State.

The DCLR, Ara Sadar and lthe Circle Officer, Sahar, are
present in person also.

A supplementary counter affidavit has been filed on behalf of
the respondent no. 3 seeking unconditional apology in the matter of
statement made in paragraph 17 of the earlier counter affidavit.

In view of the apology tendered, this Court would not
proceed on the aforesaid issue.

By filing this writ application, the petitioner seeks direction
for removal of encroachment from plot no. 10603 appertaining to
khata no. 2206 of mouja Ekwari as allegedly the same has been
encroached by certain persons.



It is contended that final order has also been passed by the Circle Officer, i.e., respondent no. 4, under section 6 of the Bihar Land Encroachment Act, 1956, however, the encroachment is not being removed.

Learned counsel for the petitioner is permitted to implead the encroachers as respondent nos. 5 to 7 in this writ application.

The supplementary counter affidavit filed on behalf of the respondent no. 3 discloses that part of the encroachment has already been removed, however, Kuchcha house constructed by Nirmal Singh is standing over the part of the land which has been constructed during the pendency of the title suit, however, the title suit has already been dismissed for default. Thereafter, it has been stated in the supplementary counter affidavit, that notices have now been issued for removal of encroachment from the concerned house and an order has also been appended with the supplementary counter affidavit passed by the Anchal Adhikari, Sahar issued on 22.09.2015 directing for lodging first information report against the encroachers as well as notice upon them for removal of encroachment till 13.10.2015, otherwise the same would be removed on 14.10.2015 with the help of the District Administration.

In above view of the matter, no notice is required to be issued upon the alleged encroachers nor is it necessary to give any direction

for removal of the same as the matter is not being decided on merit.

This writ application stands disposed of in view of the statements made on behalf of the respondents in the supplementary counter affidavit and in the facts and circumstances of the case.

However, the alleged encroachers would also be at liberty to take remedial course which would be available to them in accordance with law.

(Dr. Ravi Ranjan, J)

SC/-

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