

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12702 of 2015

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1. Sunil Kumar Sahu son of late Ram Shankar Sahu
 2. Kishore Sahu son of late Mahendra Sahu, both resident of village-Baheri, Tola-Pakri, P.S. baheri, District-Darbhangha
- Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Old Secretariat, Patna
 2. District Magistrate, Darbhanga
 3. Circle Officer, Baheri Anchal, Darbhanga
 4. Baidyanath Mukhia son of Sri Laxmi Mukhia
 5. Indu Mukhia son of Sri Lasmi Mukhia
 6. Gopal Mukhia son of Sri Bhola Mukhia
 7. Akhilesh Mukhia son of Sri Bhola Mukhia
 8. Sonelal Mukhia son of Sri Mindi Mukhia
 9. Sitaram Mukhia son of late Ramtahal Mukhia
 10. Upendra Mukhia son of late Ramtahal Mukhia
 11. Basant Mukhia son of late Shiv Narayan Mukhia
 12. Bharat Mukhia son of late Shiv Narayan Mukhia
 13. Pramod Mukhia son of Late Ram Lakhan Mukhia
 14. Chandeshwar Mukhia son of late Ram Lakhan Mukhia
 15. Jagdish Mukhia son of Late Jageshwar Mukha, all resident of village Baheri, Tola Pakri, P.S. Baheri, District Darbhanga
- Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.
For the Respondent/s : Mr. A. Ujjwal, S.C. 25

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 20-08-2015 Heard Mr. Deepak Kumar, learned counsel for the petitioners and the State.

The limited prayer made by the petitioners through the present writ petition is a direction to the Circle Officer, Baheri, District- Darbhanga to take the final orders passed by him in Encroachment Case No. 5 of 2014-15 including the notice issued under Section 6(2) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act') impugned at Annexure-

6 to its logical conclusion.

It is the argument of Mr. Deepak Kumar, learned counsel for the petitioner that even when the encroachment on the public land by the private respondent Nos.4 to 15 has been upheld by the Circle Officer in the encroachment proceedings and following which he has also issued notice on 29.12.2014 requiring encroachers to vacate the land by 15.01.2015 which is in the nature of public road, yet the orders have not been implemented.

Having heard learned counsel for the parties and considering the limited grievance raised herein, the writ petition is disposed of with the direction to the Circle Officer, Baheri District Darbhanga to conclude the encroachment proceedings and take appropriate action in the light of the notice dated 29.12.2014 issued under Section 6(2) of 'the Act' within 3 months of receipt/production of a copy of this order but only after satisfying himself as to whether the alleged encroachers have moved before the superior forum against his order and whether there is any order staying the proceedings in the encroachment case.

(Jyoti Saran, J)

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