

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2103 of 2016

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Saukat Ali, son of Samsuddin Mian, Resident of Village - Tarwara, P.O. - Tarwara, P.S. G.B. Nagar, Tarwara, District - Siwan.

.... Petitioner

Versus

1. The State of Bihar.
 2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
 3. The Collector-cum-District Magistrate, Siwan.
 4. The D.D.C., Siwan, District Siwan.
 5. Incharge Officer, Zila Jan Shikayat Koshang, Siwan, District Siwan.
 6. The Chief Executive Officer, District Board, Siwan.
 7. District Engineer, District Board, Siwan.
 8. The Deputy Collector, Land Reforms, Siwan Sadar, District - Siwan.
 9. The Circle Officer, Pachrukhi, Anchal - Panchrukhi, District - Siwan.
 10. Chhote Bisati
 11. Meghu Bisati
- Respondent nos.10 & 11 both are sons of Late Isaroyal Bisati, Resident of Village - Tarwara, P.O. - Tarwara, P.S. G.B. Nagar, Tarwara, District - Siwan.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Kamala Kant Tiwary, Mr. Bhuneshwar Pandey, Advocates
For the State	:	Mr. Anirban Kundu, S.C. 24,
For the respondent Nos.10 & 11	:	Mr. Rakesh Kumar Shrivastava, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 14-12-2016

Heard parties.

Petitioner claims that private respondent nos.10 and 11 have encroached the part of the land of plot no.3732 of khata no.427 an area of 3 Bigha 2 Katha and 13 Dhurs. He claims that the land stands recorded in revenue records as “District Board Rasta”.

Mr. Rakesh Kumar Shrivastava, learned counsel, has



appeared on behalf of the respondent nos.10 and 11 and filed the counter affidavit. He denies any encroachment over public land.

Since the encroachment case no.3/16-17 is pending before the Circle Officer, it would not be proper for this Court to decide the issue at this stage in this proceeding. As such, this writ application is being disposed of with a direction to the respondent no.9, the Circle Officer, Pachrukhi, Anchal - Panchrukhi, District - Siwan to bring the aforesaid encroachment case to its logical conclusion after granting reasonable opportunity to all the concerned including the private respondent nos.10 and 11 within a period of three months from the date of receipt/production of a copy of this order.

The parties would be at liberty to raise their respective grounds before the Circle Officer.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.03.2017
Transmission Date	NA

