

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.1415 of 2016**

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Shankar Sinha, son of late Satyadew Sinha, resident of Village - Ghanshyampur,  
P.S. - Aurai, District - Muzaffarpur.

.... .... Petitioner

Versus

1. The State of Bihar through its Collector, Muzaffarpur.
2. The Sub-Divisional Officer, East Muzaffarpur, District - Muzaffarpur.
3. The Circle Officer, Aurai Block, P.S. - Aurai, District - Muzaffarpur.
4. The Block Development Officer, Aurai Block, P.S. - Aurai, District - Muzaffarpur.
5. Sahaj Narayan Maharaj, son of late Ram Swaroop Maharaj, resident of Village - Ghanshyampur, P.S. - Aurai, District - Muzaffarpur.

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Uday Kumar, Advocate

For the State : Mr. Tripurari Nath Ambastha, A.C. to G.P. 14

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**CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN**

**ORAL JUDGMENT**

**Date: 20-07-2016**

Heard parties.

Petitioner claims that there is encroachment upon the plot no.457 appertaining to khesara no.47, Mauza, Ghanshyampur, District, Muzaffarpur in which a well is there for public use.

He claims that he has already approached the Circle Officer and Sub-Divisional Officer for removal of encroachment but no heed has been paid.

Accordingly, this writ application is being disposed of with a liberty to the petitioner to approach the Circle Officer, Aurai by filing a proper petition for removal of encroachment from public land

and the Well setting out all the necessary descriptions thereof. On such representation having been filed, the respondent no.3, the Circle Officer, Aurai would be required to examine as to whether there is encroachment upon any public land or not. If encroachment is found then he will initiate a proceeding and take steps in accordance with law and bring the proceeding to its logical conclusion within a period of four months from the date of filing of such representation along with a copy of this order. However, it is made clear that no final decision should be taken without granting reasonable opportunity to the concerned persons which include the alleged encroachers and also respondent no.5.

**(Dr. Ravi Ranjan, J)**

Sanjay-II/-

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