

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

**Civil Writ Jurisdiction Case No.3515 of 2014**

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Bachcha Rai, son of Raghunath Rai, Resident of Village - Lakri Tole Balirai, P.S.  
Basantpur, Anchal Lakri Nabiganj, District – Siwan.

.... .... Petitioner

Versus

1. The State of Bihar
2. The Collector - Cum - District Magistrate, Siwan
3. The Sub - Divisional Officer, Siwan
4. The Circle Officer, Lakri Nabiganj, District Siwan
5. The Superintendent of Police, Siwan
6. The Sub – Divisional Police Officer, Siwan
7. The Officer - In - Charge, Basantpur, District - Siwan
8. Ekbali Rai, S/O Late Chandra Rai, Resident of Village - Lakri Tole Balirai, P.S.  
Basantpur, Anchal Lakri Nabiganj, District – Siwan.

.... .... Respondent/s

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**Appearance :**

|                         |   |                              |
|-------------------------|---|------------------------------|
| For the Petitioner      | : | Mr. Umesh Kumar Mishra,      |
| For the Respondent No.8 | : | Mr. Raj Nandan Prasad Singh, |
| For the State           | : | Mr. Utsav Kumar, AC to GA-11 |

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

**ORAL JUDGMENT**

**Date: 22-01-2016**

I have heard leaned counsel for the petitioner, State and  
Respondent No.8.

Grievance of the petitioner is that the respondent no.8  
has illegally encroached 11 dhurs of public road standing upon  
Survey Plot No. 4860 appertaining to Khata No. 255 of Mouza  
Lakari Tole Balirai, Lakri Nabiganj, District-Siwan.

It is contended that though Encroachment Case No. 05 of  
2008-09 was initiated but the encroachment is still existing and the  
matter has not attained its finality.

Counter affidavit has been filed on behalf of Respondent no. 2 to 4.

Learned counsel appearing for the respondent no.8 seeks adjournment for filing counter affidavit. However, in view of the proposed order, without granting such opportunity to the respondent no. 8 and without going into the merit of the case, this writ application is being disposed of with a direction to the Circle Officer to bring the Encroachment Case to its logical conclusion within a period of three months from the date of receipt/production of a copy of this order.

The respondent no.8 has already appeared before the Circle Officer. He would be required to appear before the Circle Officer on 8<sup>th</sup> of February, 2016 at 11.00 A.M. If he wants to file his reply, he would file the same on that date itself. Thereafter, the Circle Officer would be required to proceed in accordance with law and after granting him reasonable opportunity of hearing, he would dispose of the matter within two months thereafter. If the parties including the petitioner or the respondent no.8 do not cooperate in the proceeding and they do not appear on the date fixed then the Circle Officer may proceed to pass order even in their absence on the basis of materials available on record.

The petitioner is permitted to make correction in respect of the description of land in para-1.

This order has been passed in presence of learned counsel for the petitioner, State and Respondent no. 8.

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

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