

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.240 of 2016

=====

1. Sunil Kumar, Son of Ram Narayan Singh, Resident of Village-
Mustafapur, P.S. Ahiyapur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary.
2. The District Magistrate, Muzaffarpur.
3. The S.D.O. (West), Muzaffarpur.
4. The Circle Officer, Kanti, Muzaffarpur.
5. Kailash Prasad, Son of Ram Briksha Singh, Resident of Village-
Mustafapur, P.S- Ahiyapur, Muzaffarpur.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Adv.

For the Respondent/s : Mr. Anisul Haque, AC to AAG-9

=====

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
ORAL ORDER

2 28-03-2016 Heard Mr. Nachiketa Jha, learned Counsel,

appearing on behalf of the petitioner, and Mr. Anisul Haque,

Assistant Counsel to learned Additional Advocate General No.9,

appearing on behalf of the State respondents.

The petitioner's case is, in brief, that his land, under
Khata No. 935, Khesra No.1559, measuring 5 decimals, was
encroached upon and, for removal thereof, he moved the Sub
Divisional Officer, West, Muzaffarpur, by filing an application on
23.07.2015. He also filed an application to the same effect on the
same date before the Station House Officer, Ahiyapur P.S.,
Muzaffarpur. On his application, the Sub Divisional Officer,
West, Muzaffarpur, directed the Circle Officer, Kanti, to enquire
into the matter, and pursuant thereto, Circle Officer, Kanti,

directed the revenue officer to submit a report depicting actual state of affairs at the site. Based on the report, furnished by the revenue officer, the Circle Officer, Kanti, submitted a report to the Sub Divisional Officer, West, Muzaffarpur. Again, on 31.08.2015, the Sub Divisional Officer, West, Muzaffarpur directed the Circle Officer, Kanti, to act in accordance with law, whereupon the Circle Officer, Kanti, directed the Anchal Amin to measure the said land and send a report with trace map. The trace map was accordingly sent to the Circle Officer, Kanti, on 22.09.2015. However, nothing has been done to remove the encroachment.

In view of our decision in **Sanjay Jha Vs. The State of Bihar and Others**, reported in PLJR (1) 248, it is the duty of the Sub-divisional Magistrate, West Muzaffarpur, to act in terms of the guidelines and directions issued by this Court and in the light of the law contained in that behalf. We order accordingly.

In terms of the above observations and directions, this writ petition shall stand disposed of.

No order as to costs.

(I.A. Ansari, ACJ)

K.C.jha/-

U		T	
---	--	---	--