

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.182 of 2016

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Manju Sinha, Wife of Vijay Prasad Singh resident of Village- Samay, P.S.-
Mufassil Nawada, District- Nawada

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Land Reforms, Bihar, Patna
3. The Commissioner, Magadh Division, Gaya
4. The District Magistrate-cum-Collector, Nawada
5. The Deputy Development Commissioner, Nawada
6. The D.C.L.R. Nawada
7. The Circle Officer, Nawada Sadar, Nawada
8. The Halka Karamchari, Anchal Nawada Sadar
9. The Executive Engineer, Minor Irrigation Division, Nawada
10. Sri Ram Singh, Son of Late Guru Singh, Resident of Village- Samay, Garhpar,
P.S.- Mufassil Nawada, District- Nawada

.... Respondents

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Appearance :

For the Petitioner : Mr. Shailendra Kumar, Advocate
For the State : Mr. Anil Kr Uapdhyay, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 03-02-2016

Heard the parties.

Petitioner is aggrieved by the encroachment of about 60
decimals of public land (Aahar) of plot of no.1597 appertaining to
khata no.1586 of Mauza/Village- Samay, Anchal Nawada, District,
Nawada which was being used for irrigation by the villagers since
about 100 years.

In the aforementioned facts and circumstances of the
case, this writ application is being disposed of with a liberty to the

petitioner to approach the respondent no.7, the Circle Officer, Nawada Sadar, Nawada by filing a proper application for removal of encroachment from the public land under the Bihar Public Land Encroachment Act, 1956. On such application having been filed, let the Circle Officer examine the issue and if he satisfies that there is encroachment upon the public land then he will initiate a proceeding and take steps for removal of the encroachment following the procedure laid down under the aforesaid Act and bring the matter to its logical conclusion within a period of six months. However, it is made clear that this order has been passed without going into the merit of the cases of the parties, therefore, opportunity should be accorded by the Circle Officer to the all concerned including the respondent no.10 before taking any final decision in the matter. In case, the Circle Officer is not satisfied with the claim of the petitioner then he would be required to pass a reasoned order which should be communicated to the petitioner within four weeks from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

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