

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19572 of 2014

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Afroj Alam, son of Khurshid Alam, resident of Mohalla - Purani Chouk, Takiya, ward no. 2, P.O. - Takiya Bazar, District - Rohtas (Bihar).

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Patna (Bihar).
2. The District Magistrate, District - Rohtas (Bihar).
3. The Commissioner, Patna Pramandal, Patna (Bihar).
4. The Sub-Divisional Officer, Sasaram Subdivision, District - Rohtas (Bihar).
5. The Block Development Officer, Sasaram Block, District - Rohtas (Bihar).
6. The Circle Officer, Sasaram Circle, District - Rohtas (Bihar).
8. The Executive Officer, Sasaram Municipality, District - Rohtas (Bihar).

.... Respondents

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Appearance :

For the Petitioner	: Mr. Ful Man Singh, Advocate Mr. Rabindra Kumar, Advocate
For respondent Nos.1 to 6	: Mr. Jai Shankar Barnwal, G.A.5
For respondent No.7	: Mr. Rajeev Roy, Advocate Mr. VijayShankar Upadhaya, Advocate
For the intervenors in I.A.No.399 of 2016	: Mr. Rajesh Kumar Mishra, Advocate Mr. Sourendra Pandey, Advocate
For the intervenors in I.A.No.413 of 2016	: Mr. R. S. Pradhan, Senior Advocate Mr. Amrendra Nr. Rai, Advocate
For the intervenors in I.A.No.456 of 2016	: Mr. Birendra Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

And

**HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE I. A. ANSARI)

Date: 25-01-2016

Heard Mr. Ful Man Singh, learned Counsel, appearing on behalf of the petitioner, Mr. Jai Shankar Barnwal, learned Government Advocate No.5, appearing on behalf of respondent Nos.1 to 6. Also Heard Mr. Rajeev Roy, learned counsel, appearing on behalf of respondent No.7.

Also heard Mr. Sourendra Pandey, learned Counsel,

appearing for the applicants, in I.A No.399 of 2016, Mr. R. S. Pradhan, learned Senior Counsel, appearing for the applicants, in I.A. No.413 of 2016, and Mr. Birendra Prasad, learned Counsel, appearing for the applicant, in I.A. No.456 of 2016.

By way of this writ petition, made under Article 226 of the Constitution of India, in the nature of public interest litigation, the petitioner has alleged encroachment over the land of the *Kabristan, i.e., grave yard*, located at Ward No.2 of Takiya village, under Sasaram Municipality, in Sasaram District.

By filing their counter affidavit, the State respondents have submitted to the effect, *inter alia*, that encroachment proceedings were drawn against the encroachers, the proceedings have been concluded and directions have been given to them to vacate the encroached part/portion of the land of the said *Kabristan, i.e., grave yard*.

By filing I.A.Nos.399, 413 and 456, all of 2016, the applicants have submitted to the effect, *inter alia*, that they have not encroached upon the land of the said *Kabristan, i.e., grave yard*. Upon queries made by this Court, learned Counsel, appearing on behalf of all the applicants, submitted that as against the orders of eviction in their respective encroachment proceedings, they would prefer appeals.

Considering, therefore, the matter in its entirety and in the interest of justice, we close this writ petition with a direction to the State respondents to ensure that the encroachment proceedings, which have been initiated, are taken to their logical conclusion in accordance with law. The State respondents shall further ensure that no further encroachment takes place on the land of the said *Kabristan, i.e., grave yard*, and the persons, who have been identified as encroachers, are, at the earliest, evicted in accordance with law.

As far as Interlocutory Application Nos.399, 413 and 456, all of 2016, are concerned, we dispose of the same with liberty given to the applicants to prefer their appeals, if they are so aggrieved, against the orders of eviction passed by the authorities concerned.

(I. A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

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