

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13661 of 2015

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Ram Chandra Yadav, S/o Late Dhyanid Yadav, R/o- Mansara, P.S. - Ghanshyampur, District - Darbhanga, At present The General Secretary, Bar Association, Civil Court, Benipur, Darbhanga.

.... Petitioner

Versus

1. The State of Bihar through the Secretary Land & Revenue Department Govt. of Bihar, Patna.
2. The Addl. Chief Judicial Magistrate cum In-charge Judge, Benipur, Darbhanga.
3. The District Magistrate, Darbhanga.
4. The S.D.O. Benipur, District - Darbhanga.
5. The Circle Officer, Benipur, District - Darbhanga.
6. Shushil Chaudhary (Advocate) S/o Mahesh Prasad Chaudhary, Civil Court, Benipur, District -Darbhanga.
7. Jai Prakash Jha (Advocate) S/o Pramod Jha, Civil Court, Benipur, District - Darbhanga.
8. Naresh Chaupal (Advocate) S/o Shiv Chaupal, Civil Court, Benipur, District - Darbhanga.
9. Smt. Shila Devi (Advocate), W/o Ganga Paswan, Civil Court, Benipur, District - Darbhanga.
10. The Registrar General, High Court of Judicature at Patna.
11. The District and Sessions Judge, Darbhanga.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ajay Kumar, Advocate
For the State : Md. Syed Arshad Alam, SC- 3
: Md. Fakaruddin Ali Ahmad, AC to SC-3
For Respondents 2,10 & 11 : Mr. Satyabir Bharti, Advocate
: Aparna Arun, Advocate
For Respondent no. 6 : Mr. Kumar Kaushik, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

4 26-02-2016

Heard parties.

In view of the fact that, vide Annexure-E series, a proceeding for removal of encroachment has already been initiated by the *Anchal Adhikari*, Benipur coupled with the fact that during enquiry, it has been found by the Sub-Divisional Officer, Benipur

that the land concerned is not inside rather besides the Civil Court, Benipur and has been entered in Register-II in the name of the Sub-Divisional Officer, Benipur (State of Bihar), this writ application is being disposed of with a direction to the *Anchal Adhikari*, Benipur to bring the proceeding concerned to its logical conclusion on its own merit and in accordance with law within a period of three months from the date of receipt/ production of a copy of this order.

However, it is made clear that no final order should be passed or action should be taken by him without granting reasonable opportunities to all the concerned including the alleged encroachers.

Before parting with the issue, it is noted that the respondent no. 6 has submitted that he is a practicing advocate of the Civil Court, Benipur and though he may not resist encroachment on that ground but still he should be given some space in the Bar Association to sit. However, since this would be a matter between him and the Bar Association, no order is required to be passed in this connection in the present proceeding.

(Dr. Ravi Ranjan, J.)

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