

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.737 of 2016

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Laldeo Rai, Son of late Harinath Rai, Resident of Village-Jethuli, Police Station-Fatuha, District Patna.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Department of Revenue and Land Reforms ,Govt. of Bihar,Patna.
 2. The District Magistrate, Patna.
 3. The Additional Collector, Patna.
 4. The Sub-Divisional Officer, Fatuha, District Patna.
 5. The Deputy Collector, Land Reforms, Futuba,District Patna.
 6. The Circle Officer, Fatuha, District Patna.
 7. Sri Shukhu Mistry Son of late Narayan Mistry.
 8. Sri Chandar Mistry Son of late Ram Ishwar Mistry
 9. Sri Lal Babu Pandit Son of Sri Ram Baran Pandit.
 10. Sri Chandeshwar Paswan son of Sri Bittu Paswan
- All Respondent nos. 7 to 10 are resident of Village- Jethuli, Police Staion -Fatuha, District Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra, Advocate

For the Respondent/s : Mr. Manoj Kumar, AC to SC-28

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 20-04-2016

Heard learned counsel for the petitioner, the State and the respondent nos. 7 to 10.

A counter affidavit has been filed on behalf of respondent no.6, i.e., the Circle Officer, Fatuha that the concerned encroachment case would be brought to its logical conclusion within a period of one month.

Learned counsel appearing on behalf of respondent nos. 7 to 10 submits that in fact it is *raiya* land of the petitioner and there is

a house standing over it for more than 100 years, however, he has not filed any document or evidence in support of his aforesaid submission. He submits that an appeal was preferred before the Additional District Magistrate, Patna but that was dismissed for default on 28.05.2014 itself and, thereafter, it does not appear that any effort was made by the respondent nos. 7 to 10 to assail the final order which has been passed in the encroachment case before any competent authority.

Accordingly, in view of the assurance given by the Circle Officer that the concerned encroachment case would be brought to its logical conclusion within a period of one month, this writ application stands disposed of.

However, this order would not come in the way of the respondent nos. 7 to 10 in taking a remedial recourse which would be available to them under law.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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