

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19209 of 2013

=====

Rajeshwar Prasad @ Rajeshwar Bhagat, Son of Chandra Deo Bhagat, Resident of
Village- Siswa, P.O.- Hussaini, Police Station- Dumariyaghat, District- East
Champaran

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Rural Department, Govt. of Bihar,
Patna
2. The District Magistrate Cum Collector, East Champaran
3. The Circle Officer, Kesariya, District- East Champaran at Motihari

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate

For the Respondent/s : Mr. Siddharth Prasad, AC to AAG-4

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 13-05-2016

Heard parties.

The Circle Officer, Kesariya, East Champaran is present
in person. A counter affidavit is filed on his behalf.

The petitioner is aggrieved by a notice dated 13.08.2013
(Annexure-1) by which he has been directed to remove the
encroachment from his Plot No.1325 appertaining to Khata No.200,
Mauza-Hussaini Tola, District-East Champaran, which has been
purchased vide sale deed no.11477 dated 26.06.2013.

It is contended that the notice issued vide Annexure-1
does not disclose that it is being issued upon which plot number,
however, there is direction that the encroachment should be removed

within 24 hours.

In the counter affidavit, it is contended that people of the locality had willfully given their lands for construction of a road which was being used by the villagers as a common pathway for the last 50-60 years though it was a 'kachhi sarak' upon which brick soling has been done under a scheme by the State for the convenience of the people of the locality and, as such, since the land was being managed by the State, for encroachment upon Plot No.1360, notices under form I and, thereafter, form II were issued upon the petitioner but he refused to accept the same.

Be that as it may, the petitioner has categorically stated that he has purchased 0.63 decimals of land of Plot No.1325 of Khata No.200 and at the time of hearing also, learned counsel has categorically stated that the petitioner has nothing to do with Plot No.1360 from which encroachment is to be removed, in my view, this writ application has lost its efficacy as the Circle Officer has stated in clear terms that there is no proposal for removal of any encroachment from Plot No.1325 which the petitioner is claiming. It has further been stated that no part of the encroachment from Plot No.1325 has been removed. In fact the proceeding itself is for removal of encroachment from Plot No.1360 which would be manifest from the notice issued under Forms I and II.

Accordingly, this writ application stands disposed of.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	18.06.2016
Transmission Date	N.A.