

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18044 of 2015

Shiv Kumar Rai, Son of Late Uttam Rai, Resident of village - Akilpur, P.O. Bajahiyan, P.S. Dariyapur, District - Saran, Bihar

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Collector, Saran, District - Saran, Bihar
3. The Sub Divisional Officer, Sonapur, District - Saran, Bihar
4. The Circle officer, Dariyapur, District - Saran, Bihar
5. Birendra Rai Son of Late Hari Dayal Rai Resident of village - Akilpur, P.O. Bajahiyan, P.S. Dariyapur, District - Saran, Bihar
6. Surendra Rai Son of Late Hari Dayal Rai Resident of village - Akilpur, P.O. Bajahiyan, P.S. Dariyapur, District - Saran, Bihar
7. Ganesh Rai Son of Late Ram Charitra Rai Resident of village - Akilpur, P.O. Bajahiyan, P.S. Dariyapur, District - Saran, Bihar
8. Bindeshwar Rai Son of Late Jawakh Rai Resident of village - Akilpur, P.O. Bajahiyan, P.S. Dariyapur, District - Saran, Bihar

.... Respondents

Appearance :

For the Petitioner/s : Mr. Sushil Kumar Singh, Advocate
For the Respondent/s : Mr. Rajiv Kumar, AC to GA-5

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT

Date: 24-06-2016

Heard parties.

The grievance of the petitioner is that the respondent nos. 5 to 8 have encroached upon public land which has been described as ‘*Gairmazarua Aam* land’, being plot nos. 308 and 515 appertaining to Khata No.83 of Mauza-Akilpur, District- Saran. Several persons including the petitioner made an application before the Circle Officer, Dariyapur, Saran (respondent no.4) for removal of such encroachment from the aforesaid land. Upon that, Encroachment Case No.1/2015-16

was initiated and a copy of the order sheet has been appended to show that after finding encroachment upon the aforesaid public land, notices were directed to be issued upon 11 persons for removal of encroachment under Section 3 of the Bihar Public Land Encroachment Act, 1959 on 30.05.2015, but encroachment has not been removed till date.

This is very unfortunate that despite the writ application having been filed on 10.11.2015, no instruction could be received by learned counsel appearing for the State.

Accordingly, this writ application is being disposed of, without going into the merit of the case, with a direction to the respondent no.4 to bring the Encroachment Case No.1/2015-16 to its logical conclusion on its own merit and in accordance with law after granting reasonable opportunity to all the concerned including the respondent nos. 5 to 8 within a period of four months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	27.06.2016
Transmission Date	N.A.