

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9343 of 2017

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Surendra Yadav, S/o lat Darpi Yadav, Resident of village – Parkauli, P.S. – Arer, District – Madhuabani.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Madhubani.
2. The District Magistrate, Madhubani.
3. Circle Officer, Benipatti, Madhubani.
4. Kari Yadav @ Revi Yadav, S/o Anup Yadav @ Bhagat Yadav,
5. Sushil Yadav,
6. Ram Bilas Yadav @ Bauku Kamred, Both S/o Asarfi Yadav,
7. Pramod Yadav, S/o Kari Yadav @ Revi Yadav, All R/o Village- Parkauli, P.S.- Arer, District- Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Baidya Nath Thakur

For the Respondent/s : Mr. Raj Kishore Roy-Gp18

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 14-12-2017

Heard Mr. Baidya Nath Thakur, learned counsel

for the petitioner and Miss Surekha Kumari, learned AC to GP-18.

The present Writ application has been filed for direction upon respondent nos. 4 to 7 to remove the encroachment from the public land being road appertaining to Khata No. 183, Plot No. 926 (New-2431) situated in Mouza – Parkauli, P.S. – Arer, District – Madhubani. Further prayer has been made for a direction to respondent no. 3, Circle Officer, Benipatti to dispose of the Encroachment Case No. 23 of 2016-17.

Learned counsel for the petitioner confines his prayer only to the extent of conclusion of Encroachment Case No.



23 of 2016-17.

Learned counsel for the State has no objection in disposal of the writ application in view of the terms of conclusion of the encroachment proceeding.

Since the Writ application was filed on 06.07.2017 but no counter affidavit has been filed, moreover, in view of the nature of order this Court intends to pass, this Court is not inclined to adjourn the matter or issue notice to private respondent nos. 4 to 7.

In view of the confined prayer made by learned counsel for the petitioner, respondent no. 3, Circle Officer, Benipatti, Madhubani is directed to conclude the proceeding of Encroachment Case No. 23 of 2016-17, if the same has not already been concluded, within a period of three months, after giving due opportunity of hearing to all affected persons including private respondent nos. 4 to 7 under the provisions of Bihar Public Land Encroachment Act.

Accordingly, this Writ application is disposed of.

(Dinesh Kumar Singh, J)

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