

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9668 of 2017

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1. Raj Mani Sudhanshu, aged about 56 yrs, W/o Shri Laxmi Prasad Sudhanshu, Resident of Village- Panapur Kusiari, P.S.- Bidupur, P.O.- Bidupur, R.S. District- Vaishali- 802301.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal secretary, Department of Revenue & Land Reform, Govt. of Bihar. null null
2. The District Magistrate, Vaishali, Bihar.
3. The Circle Officer, Bidupur, Vaishali.
4. The Anchal Amin Circle, Bidupur, Vashali.
5. Muna Rai @ Manoj Rai, S/o Sri Nagdev Rai, resident of Village- Mohiuddinpur Circle + P.S.- Bidupur, Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chiranjiva Ranjan

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 15-12-2017 Heard the learned counsel, Mr. Chiranjiva Ranjan, for the petitioner and Ms. Sulekha, A.C. to G.P.18, for the respondent.

The present writ application has been filed for a direction to respondent authorities to get the encroachment removed from a public road situated on plot No.722 situated near Jandaha near South Deva chowk in village Sahdulapur, Dhovoli, Bidupur. It is further submitted by learned counsel for the petitioner that the public road is situated in front of the residential house of the petitioner situated on plot No.23.

The grievance of the petitioner is to the effect that a proceeding under the Bihar Public Land Encroachment Act



(hereinafter called as 'Act') being Encroachment Case No.3 of 2010-11 has been initiated but the same has not been concluded till date. As a result, the encroachment has not been removed, hence the present writ application.

The learned A.C. to G.P.18 submits that at present she does not have any instruction whether the encroachment proceeding has been concluded or not but she further submits that it shall be concluded within specific time.

Considering the rival submissions of the parties, there is nothing on record to suggest that the proceeding of Encroachment Case No.3 of 2010-11 has been concluded which suggests the callous manner in which Circle Officer, Bidupur, respondent No.3 is discharging the quasi-judicial function assigned to him. In the circumstances, Circle Officer, Bidupur, respondent No.3, is expected to conclude the proceeding of Encroachment Case No.3 of 2010-11 within a period of three months, after giving opportunity of hearing to affected persons in accordance with provisions of Act.

Accordingly, this writ application is disposed of.

(Dinesh Kumar Singh, J)

Sanjeev/-

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