

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9949 of 2017

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Ramashankar Gupta, S/o Late Chabila Sah, Resident of Village- Bharthui,
P.S.- Dhanwanti Math, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Bihar, Patna.
2. The Commissioner, Saran at Chapra.
3. The Collector, Siwan.
4. The Circle Officer, Siwan Sadar, Siwan.
5. The Chief Engineer, Saran Nahar Division, Siwan.
6. The Executive Officer, Siwan Sadar.
7. The Executive Engineer, Saran Nahar Division, Siwan.
8. Hiralal Gupta, S/o Late Thakur Pd. Gupta, Resident of Village- Bharthui, P.S.-
Dhanwanti, District- Siwan.
9. Surendra Choudhary, S/o Late Daroga Choudhary, Resident of Village-
Dhanmanti Math, P.S.- Dhanwanti, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar
For the Respondent/s : Mr. SAJID SALIM KHAN-SC25

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-11-2017 Heard Mr. Ashok Kumar, learned counsel for the

petitioner and Mr. Sajid Salim Khan, learned SC 25 for

respondent nos.1 to 7.

The nature of order this court intends to pass, does

not require issuance of notice to respondent nos. 8 and 9.

The present writ application has been filed for a

direction to the respondent authorities to remove the

encroachment from the land appertaining to Khata No. 380, Plot

No. 1897, situated in village Dhanwanti, P.S. Dhanwanti,

District – Siwan which has been encroached upon by respondent



nos. 8 and 9.

It is submitted by learned counsel for the petitioner that the land in question connects the village pathway to the main road and adjacent to the land in question the petitioner's house is situated but the construction is being made by private respondent by which ingress and egress has been substantially obstructed.

A counter affidavit has been filed. Learned S.C. 25 submits that for removal of encroachment from the land in question, Encroachment Case No. 9 of 2017-18 by the Circle Officer, Siwan has been initiated. Statement to that effect has been made in paragraph 6 of the counter affidavit. It has been stated that the said encroachment proceeding will be taken to its logical conclusion within a time frame.

Considering the present stand of the respondent authorities, this Court is not inclined to proceed any further. The writ application is disposed of with a direction to the respondent no. 4, the Circle Officer, Siwan Sadar to take the said encroachment proceeding to its logical conclusion within a period of three months from the date of receipt/production of a copy of this order, in accordance with the provisions of the



Bihar Public Land Encroachment Act, after giving due opportunity of hearing to all affected persons including respondent nos. 5,7,8 and 9. It is made clear that this court has not expressed any opinion with regard to the nature of land in question.

This writ application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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