

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12369 of 2017

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Lakshman Rai, S/o Ram Ashish Rai, Resident of Village- Basant, P.O.-
Kharka, P.S.- Jale, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector-cum-District Magistrate, Darbhanga.
2. The Additional Collector, Darbhanga.
3. The Deputy Collector, Land Reforms, Sadar Darbhanga.
4. The Circle Officer, Jale Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ratanakar Jha
For the Respondent/s	:	Mr. S.C.YADAV -GP15
		Mr. Rakesh Kr. Shrivastava AC to GP 15

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-11-2017 Heard learned counsels for the parties.

The present writ application has been filed for a direction to the respondent authorities to get the encroachment removed from the land appertaining to Khata No. 183, Plot No. 2434, which is recorded as Parti Kadim in the Survey Khatiyani but the same has been encroached upon causing great inconvenience to the public at large. Further prayer has been made for a direction to the respondent no. 4, the Circle officer, Jale to conclude the proceeding of Encroachment Case No. 4 of 2010-11.

It is submitted by learned counsel for the petitioner that the land in question is Gairmajarua land and the same is being used as public pathway but the same has been encroached upon. Though a proceeding has been initiated being Encroachment



Case No. 4 of 2010-11 but the same has not been concluded.

Mr. Rakesh Kumar Shrivastava, AC to GP 15 submits that from the pleadings made in the writ application, it appears that during enquiry it was found that the petitioner himself is an encroacher. However, at present he is not having any instruction whether the encroachment proceeding has been concluded or not.

Considering the rival submissions of the parties and in view of the nature of prayer, respondent no. 4, the Circle Officer, Jale is expected to conclude the proceeding of Encroachment Case No. 4 of 2010-11, if it has already not been concluded, within a period of three months, after giving due opportunity of hearing to all affected persons in accordance with the provisions of the Bihar Public Land Encroachment Act. However, 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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