

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11856 of 2016

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1. Guddu Singh S/o Late Ram Lobhit Singh R/o Mohalla- Surya Mandir, Karpuri Nagar, Balughat, Ward-15, P.S.- Town, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Muzaffarpur.
3. The Senior Superintendent of Police, Muzaffarpur.
4. The Sub Divisional Officer, East Muzaffarpur.
5. The Executive Engineer, Waterways Division, Muzaffarpur.
6. The Circle Officer, Mushahari, Muzaffarpur.
7. The Thana-Incharge, Town Thana, Muzaffarpur.
8. Md. Ismail S/o Late Md. Muslim R/o Mohalla- Balughat, Behind Community Hall Building, North to Bandh, Ward No.-15, P.S.- Town, District- Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Manoj

For the Respondent

Nos. 1 to 7 : Mr. Mahendra Pd. Verma AC to SC 20

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date: 18-03-2017

Heard learned counsel for the parties.

The present writ application has been filed for a direction to the respondent authorities, specially, respondent no. 2 for removal of encroachment made by respondent no. 8 by constructing cemented house, from the public land/bandh (embankment) road appertaining to Plot No. 253 which is under the control of Waterways Department, Muzaffarpur situated in front of Khata no. 232, Plot no. 254 (kha) (ga) in village Balughat, Karpuri Nagar, Mushahari Anchal in the district of Muzaffarpur.



It is submitted by learned counsel for the petitioner that the land in question is a public land situated in between the land of the petitioner and the public road. The said embankment is used as pathway by the villagers. Several villagers made representation on 11.12.2015 as contained in Annexure 2 before the respondent no. 6 the Circle Officer, Mushahari. The petitioner also filed representation on 20.5.2016 before the S.D.O., East Muzaffarpur, whereafter the report was called for from the Town Police station and the report was submitted by the Town police station suggesting encroachment by respondent no. 8. The representation of the petitioner and the report have been brought on record as Annexure 3 series. The further public petition was also submitted on 20.5.2016 before the respondent no. 4 who, after consideration, directed the Circle Officer, respondent no. 6 vide letter dated 31.5.2016 to take necessary action.

A supplementary affidavit has been filed on behalf of the petitioner wherein statement has been made that respondent no.6, the Circle Officer, Mushahari initiated encroachment proceeding vide Encroachment Case No. 17 of 2016-17. The order dated 16.1.2017 passed by the respondent no. 6 in the above mentioned encroachment case suggests that Anchal Amin has reported that part of the plot in question has been encroached by respondent no. 8. It is further submitted by learned counsel for the petitioner that since then the



matter is being adjourned and no positive action has been taken for concluding the encroachment proceeding.

Learned counsel for the respondents submits that since the encroachment proceeding has been initiated, hence let the same be concluded.

Considering the rival submissions of the parties, in view of the fact that encroachment proceeding has been initiated, it is expected from the respondent no. 6 the Circle Officer, Mushahari, Muzaffarpur to conclude the aforementioned encroachment proceeding in accordance with the provisions of Bihar Public Land Encroachment Act within a period of four months from the date of receipt/production of a copy of this order.

Accordingly, this writ application stands disposed of.

(Dinesh Kumar Singh, J)

Anil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

