

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5239 of 2017

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Awadhesh Singh @ Awadhesh Nonia, S/o-Late Achhe Lal Chaudhari, R/o-
Village- Lakdi, P.O.- Kochas, District- Rohtas.

... .. Petitioner

Versus

1. The State of Bihar through Collector, Rohtas.
2. The Sub Divisional Officer, Sasaram, Rohtas.
3. The Additional Collector, Rohtas, Sasaram.
4. The Circle Officer, Kochas, Rohtas.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Ashutosh Tripathy, Adv.
For the Respondent/s : Mr. S.C.Yadav, GP-15

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 29-11-2017 Heard Mr. Ashutosh Tripathy, learned counsel for the

petitioner and Mr. Rakesh Kumar Srivastava, learned AC to GP-

15, for the respondent authorities.

The present writ application was initially filed for a
direction to the respondent authorities to get the encroachment
removed from the public land appertaining to Plot No. 508, 514,
Khata No. 74, situated in Village Lakdi, P.S. Kochas, District
Rohtas.

Subsequently, I.A. No. 6158 of 2017 has been filed on
behalf of the petitioner with a prayer for amendment of the
prayer in the main petition to the extent that a direction may be
given to the respondent authorities to dispose of the proceeding
of Encroachment Case No. 06 of 2016-17 initiated for removal



of the encroachment from the land in question.

Learned counsel for the respondent-State has no objection in such amendment.

Accordingly, I.A. No. 6158 of 2017 is allowed.

Learned counsel for the petitioner is permitted to amend the prayer in the main petition.

I.A. No. 7624 of 2017 has been filed on behalf of Ramji Chauhan, Niwas Singh, Pramod Kumar Singh and Birendra Kumar Singh with a prayer for impleading them as petitioners, since they also prayed for removal of the encroachment.

In view of the nature of order this Court intends to pass, this court is not inclined to entertain I.A. No. 7624 of 2017.

Accordingly, the same is dismissed.

It is submitted by learned counsel for the petitioner that since, the encroachment proceeding being Encroachment Case No. 06 of 2016-17 has been initiated, hence, a direction may be issued for disposal of the proceeding of Encroachment Case No. 06 of 2016-17, which will also serve the purpose of intervenor.

Learned counsel for the respondent-State submits that the encroachment proceeding has already been initiated and the same will be concluded within a time frame, but during the preliminary enquiry, it was found that the petitioner is also an



encroacher over the land in question.

Without expressing any opinion with regard to nature of encroachment and the explanation of encroachment made by the respective parties, respondent no. 4, the Circle Officer, Kochas is directed to conclude the proceeding of Encroachment Case No. 06 of 2016-17 within a period of three months from the date of receipt/production of a copy of this order, after giving due opportunity of hearing to all affected persons, in accordance with the provisions of Bihar Public Land Encroachment Act.

Accordingly, with the above observation and direction, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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