

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 17324 of 2016

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1. The Bauram Gram Vikash Samiti, Bauram, P.S. Jamalpur, District - Darbhanga through its Secretary Irfan Ahmad Resident of village - Bauram, P.S. Jamalpur, District - Darbhanga
 2. Irfan Ahmad Son of Md Abbas Resident of village - Bauram, P.S. Jamalpur, District - Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Darbhanga
3. The Land Reform Deputy Collector, Biraul, Darbhanga
4. The Sub - Divisional Officer, Biraul, Darbhanga
5. The Circle officer, Gaura Bauram Anchal, Darbhanga
6. Md Irtiza Son of Late Sabul
7. Md Azizul Son of Late Malhu
8. Zakir Ansari Son of Late Subdul Ansari
9. Mansoor Shah Son of Idrish Shah
10. Suleman Shah Telor
11. Mohiuddin Rain Both Sons of Nathuni Rain
12. Md Musafir Son of Late Imamuddin
13. Md Sajjad Son of Late Habibullah
14. Zakir Hussain Son of Khuda Baksh
15. Md Ayub Son of Late Kamaluddin
16. Abdul Hafiz Son of Late Adbul Jalil
17. Abdul Kudus
18. Md Sabir
19. Md Jahir
20. Md Nazir All Sons of Abdul Gafoor
21. Md Abdullah Son of Late Md. Maqbool
22. Hifjur Rahman Son of Late Abul Hasan
23. Noorullah Shah
24. Sanullah Shas Both Sons of Yusuf Shah
25. Md Haroon Son of Khuda Baksh
26. Md Salim Rain Son of Nathu Rain
27. Md Nayeem Akhtar Son of Late Md Ashfak
28. Md Idrish
29. Rasul Baksh Both Sons of Late Ramjani
30. Bauku Son of Khalia
31. Lalo Rain
32. Safia Rain Both Sons of Kali Rain
33. Abbas Shah Son of Ganaur Shah
34. Gulabuddin Son of Yasin Sl. No. 6 to 34 all residents of village - Bauram, P.S. Jamalpur, District - Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Sanjeev Kumar Shrivastava, Advocate
For the Respondent/s : Mr Arun Kumar Bhagat, AC to AAG 12

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**CORAM: HONOURABLE THE CHIEF JUSTICE
And
HONOURABLE MR JUSTICE SUDHIR SINGH**

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 29-03-2017

Inter alia, contending that respondents No 6 to 34 have encroached upon Supaul – Jamalpur Main Road which goes to Adharpur Via Mohalla – Faizabad and further making a grievance that complaints made to the District Magistrate, the Sub Divisional Officer and the Circle Officer, respondents No 2, 4 and 5 have fallen on deaf ear, petitioner has approached this Court seeking a mandamus for removal of encroachment by the concerned officers in accordance with law.

2 Keeping in view the same for the present, without expressing any opinion on the allegations made vis-à-vis encroachment, interest of justice would be served in case respondent No 2 is directed to look into the matter and take steps as are permissible for removal of encroachment.

3 Accordingly, on the petitioner's producing certified copy of this order before respondent No 2, the District Magistrate, Darbhanga will entrust the matter to the concerned Circle Officer who can take actions as are permissible. The concerned officer shall remove encroachment after following the due process of law and



granting opportunity of hearing to respondents No 16 to 34 and after hearing them, take such steps for removal of the encroachment.

4 The entire process shall be completed within a period of six months.

5 Respondents No 6 to 34 will be at liberty to challenge the order that may be passed against them.

6 With the aforesaid observation, the petition stands disposed of.

(Rajendra Menon, CJ)

M.E.H./-

(Sudhir Singh, J)

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	03.04.2017
Transmission Date	

