

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 788 of 2017

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Shiv Kumari Devi Wife of Radha Raman Singh, Resident of Village-Shaharu, Dhanarua, P.O. & P.S.-Dhanarua, District Patna. Petitioner.

Versus

1. The State of Bihar through the District Magistrate, Patna
2. The District Magistrate, Patna
3. The Sub Divisional Officer, Masaurhi, Patna
4. The Circle Officer, Dhanarua, Patna
5. The Senior Superintendent of Police, Patna
6. The Officer-in-Charge, Dhanarua P.S., Patna
7. Nagendra Singh, S/o Late Rampravesh Singh, Resident of Village-Shaharu P.O. & P.S. Dhanarua, Via Hazratsain, District-Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Siddhartha Prasad, Adv.

For the Respondents: Md. Naseem Mukhtar, AC to AAG12

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 03-02-2017

Heard learned counsel for the petitioner and the State.

The petitioner has earlier approached this Court by filing CWJC No. 11408 of 2009 for removal of encroachment from public land of plot no. 374 appertaining to Khata No. 122, Thana No. 112 of mauza Shaharu, P.S. Dhanarua, District-Patna. The writ petition was disposed of granting liberty to the petitioner to file application for initiation of the proceeding under Bihar Public Land Encroachment Act. Accordingly, the petitioner moved before the authority under the Act and Encroachment Case No. 1/2009-2010 was initiated but unfortunately the same has remained pending till date as encroachment has not finally been removed despite notice was



given to the encroachers.

The petitioner draws attention of this Court towards the report of the Circle Amin, as contained in Annexure-13 addressed to the Circle Officer, Dhanarua, Patna stating that measurement is not being done in view of the fact that the encroachers are obstructing the same and despite the request for help of the District Administration the same is not materialized till date.

In the aforesaid background of the matter, this Court would be inclined to dispose of this writ petition with a direction to the respondent no. 4, i.e., the Circle Officer, Dhanarua, Patna to ensure that the Encroachment Case No. 1/2009-2010 be brought to its logical conclusion within a period of three months from the date of receipt/production of a copy of this order. If there is any hindrance caused by any of the parties he would be at liberty to take help of the District Administration.

It is made clear that no final order or final action of removal of encroachment should be taken before granting adequate opportunity to all the concerned including the petitioner, the encroachers and the private respondent no. 7.

Vikash/-

(Dr. Ravi Ranjan, J.)

AFR/NAFR	NAFR
CAV DATE	NA
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