

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8195 of 2015

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Daroga Prasad, Son of Late Jiut Singh, Resident of village + P.O.- Shukulawa
Khurd, P.S.+ District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Collector, Gopalganj.
3. The Sub-Divisional Officer, Gopalganj.
4. The Circle Officer, Thawe ,District - Gopalganj.
5. Anchal Amin, Thawe, District - Gopalganj.
6. The Halka Karamchari, Shukulawa Gram Panchayat, Anchal -Thawe District
- Gopalganj.
7. Vidya Sah, Son of Late Rudal Sah.
8. Ram Pravesh Sah, Son of Late Jagdeo Sah.
9. Ram Naresh Sah, Son of Late Jagdeo Sah.
10. Anil Sah, Son of Late Brahmadeo Sah.
11. Sunil Sah, Son of Late Brahmadeo Sah.

All Resident of Village + P.O.- Shukulawa Khurd P.S.+ District - Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Naresh Prasad, Adv.
For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-09-2017 Heard Mr. Naresh Prasad, learned Counsel appearing on
behalf of the petitioner and learned AC to AAG-13, appearing
on behalf of the respondent – State.

Learned Counsel for the petitioner is permitted to make
necessary correction with regard to plot number of the land in
question, in paragraph no.4 of the Writ application.



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. 97, Survey Plot No. 465, situated in Village- Shukulawa Khurd, Circle – Thawe, District -Gopalganj.

It is submitted by learned Counsel appearing on behalf of the petitioner that the land in question is recorded in Khatian as 'Gair Majarua Aam Rasta' and it is being used by the public at large, but the same has been encroached upon by the private respondents. However, he very fairly submits that during pendency of the present Writ application, the encroachment has been removed from the land in question. Hence, the Writ application has become infructuous. However, he is apprehensive about resurfacing of the encroachment, again on the public land in question.

Since the Writ application was filed in 2015 and in view of the submission made by learned Counsel for the petitioner to the effect that the Writ application has virtually become infructuous, this Court is not inclined to issue notice to the private respondent nos. 7 to 11.

In view of aforementioned facts, at present, this Writ application has become infructuous and is, accordingly,



disposed of.

However, it is expected from respondent no.4, the Circle Officer, Thawe, District- Gopalganj, to ensure that encroachment should not resurface on the land in question in future.

(Dinesh Kumar Singh, J)

Ashwini/-

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