

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19049 of 2016

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1. Shahbaz Ansari, Son of Late Jamal Ansari, resident of Village- Radha Nagar, Mauza and Panchayat Dashpur, P.S.- Shahkund (Sajaur), District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar, through the Secretary-cum-Commissioner, Department of Minor Irrigation, Govt. of Bihar, Patna.
2. The Engineer-in-Chief, Department of Minor Irrigation, Govt. of Bihar, Patna.
3. The Collector-cum-District Magistrate, District- Bhagalpur.
4. The Executive Engineer, Minor Irrigation, District- Bhagalpur.
5. The Circle Officer, Shahkund Block, District- Bhagalpur.
6. The Circle Surveyor (Anchal Amin), Shahkund Block, District- Bhagalpur.
7. The Officer Incharge of Police Station Shahkund (Sajaur), District- Bhagalpur.
8. Sharmu Paswan, son of Late Doman Paswan, cum Village Chaukidar, R/o Village- Radha Nagar, P.S.- Shahkund (Sajaur), District- Bhagalpur.
9. Chandra Paswan, son of Late Sobhan Paswan, resident of Village- Radha Nagar, P.S.- Shahkund (Sajaur), District- Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Atiullah
For the Respondent/s : Mr. Durgesh Nandan-Aag14
Mr. Jitendra Kumar, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 23-06-2017 Inter alia contending that due to encroachment in the area by the respondent no.9, there is water logging and until and unless the same is removed, the petitioner would suffer irreparable damage in the matter of irrigation and various other facilities pertaining to drainage.



This petition has been filed in public interest.

Learned counsel for the respondent wanted a week's time to file reply. However, learned counsel for the petitioner objected to the same. Therefore, we have heard the matter on merit. The grievance of the petitioner as made in the writ petition, for the present, it would be appropriate to direct respondent nos. 3, 4 and 5 to look into the grievance of the petitioner. In case, encroachment is found in the area in question which has detailed in report submitted by the Circle Officer (Annexure-3), respondent nos. 3, 4 and 5 shall take action for implementing the same in accordance with law. It need not emphasized removal of encroachment shall take within three months after following due process of the law and hearing all the concerned.

With the aforesaid, this application is disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Ravi/-

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