

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18938 of 2016

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1. Krishna Prasad, S/O Late Bhagirath Mahto,
 2. Sheo Jhari Devi, W/O Krishna Prasad, Both resident of Village- Dighawa Tola, Dayagir, P.S.- Baikunthpur, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar, through the Collector cum District Magistrate Gopalganj, District- Gopalganj.
2. The Circle Officer, Baikunthpur, District- Gopalganj.
3. Chanar Rai, S/O Raja Rai, Resident of Village- Dighawa Tola, Dayagir, P.S.- Baikunthpur, District- Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh

For the Respondent/s : Mr. SAJID SALIM KHAN-SC25

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date: 21-07-2017

Heard Mr. Uday Pratap Singh, learned counsel for the petitioners and Mr. Sajid Salim Khan, SC-25 for the State-respondents.

I.A. No. 513 of 2017 has been filed by the petitioners for substituting the legal heirs of private respondent no. 3, who died on 14.02.2014.

Learned counsel for the petitioners seeks permission to withdraw the Interlocutory Application.

In view of the fact that the present writ application has been filed for a direction to the respondent authorities to get the encroachment removed from Plot No. 360, Khata No. 1706 situated in village - Dighawa which has been encroached upon by respondent



no.3. Now the counsel for the petitioner confines his prayer only for a direction to dispose of the representation of the petitioner pending before Circle Officer, Baikunthpur, respondent no. 2 and, if need be, to initiate an appropriate proceeding under Bihar Public Land Encroachment Act (hereinafter called as the 'Act'). Accordingly, I.A. No. 513 of 2017 is permitted to be withdrawn.

It is submitted by learned counsel for the petitioners that the land in question is a public Rasta and the same has been encroached upon in pursuance to the application submitted by the father of petitioner no. 1 before Respondent No.2, Circle Officer, Baikunthpur, direction was issued to Anchal Amin to make measurement of the land in question. Anchal Amin vide report dated 10.05.2007 reported that the land in question has been encroached upon but no action has been taken for the removal of the said encroachment. Thereafter, petitioner no. 1 submitted application before Respondent No. 1, Collector, Gopalganj but till date no action has been taken for initiation of a proceeding under the Act. Hence, the present writ application.

Considering the rival submissions of the parties, this application is disposed of with direction to Respondent No. 2, Circle Officer, Baikunthpur to disposed of the representation of the petitioner and if he comes to the conclusion that the land in question is



a public road and the same has been encroached upon then an appropriate proceeding under Bihar Public Land Encroachment Act be initiated forthwith and be taken to its logical conclusion within a period of four weeks, after giving proper notice and opportunity of hearing to all affected persons in accordance with provisions of the Act.

(Dinesh Kumar Singh, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.07.2017
Transmission Date	NA

