

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10977 of 2016

-
1. Surendra Singh, S/o Late Chando Singh.
 2. Akhilesh Kumar Singh, Son of Late Din Dayal Singh. Both resident of Village- Shahpur, P.S. Kashi Chak, Anchal- Warisaliganj, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Collector, Nawada.
3. The Sub- Divisional Officer, Nawada.
4. The Circle Officer, Warisaliganj, District- Nawada.
5. Upendra Singh, S/o Ishwari Singh.
6. Prabhakar Singh, S/o Rajendra Singh.
7. Gopal Paswan, S/o Hari Paswan.
8. Sunil Singh, S/o Brij Nandan Singh.
9. Ram Lagan Singh, W/o Talo Singh.
10. Urmila Devi, W/o Nawal Singh.
11. Parmeshwar Singh, S/o Jato Singh
12. Anirudh Sharma, S/o Late Yamuna Singh. All residents of Village- Shahpur, P.S. Kushi Chak, Anchal- Warisaliganj, District- Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Devendra Prasad Singh
For the Respondent/s : Mr. PARTHA SARTHI- GA11

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-11-2017 Heard learned counsels for the parties.

I.A. No.6569 of 2016

I.A. No. 6569 of 2016 has been filed on behalf of Petitioner no.1, Surendra Singh to the effect that petitioner no.1 does not want to prosecute the present writ application, hence, his name may be deleted from the array of the petitioners.

Learned counsel for the respondent-State has no objection to such prayer.



Accordingly, I.A. No.6569 of 2016 is allowed.

Accordingly, learned counsel for the petitioner is permitted to expunge the name of petitioner no.1, Surendra Singh, from the array of the petitioners in the main application.

CWJC No.10977 of 2016

Since the present writ application has been filed on 12.07.2016, but till date no counter affidavit has been filed, hence, this Court is not inclined to adjourn the matter any further and keep the matter pending.

In view of the nature of order this Court intends to pass, this Court is also not inclined to issue notice to private respondent nos. 5 to 12.

The present writ application has been filed for a direction to the respondent no.4, the Circle Officer, Warisaliganj to conclude the proceeding of Encroachment Case No. 04 of 2015-16, and thereby to remove the encroachment from the land appertaining to Thana No. 512, Khata Nos. 383 and 384, Plot No. 1621 and 971, situated in Mauza Sahpur, P.S. Kashichak, Circle Warisaliganj, District Nawada.

It is submitted by learned counsel for the petitioner that the land in question is recorded in the Khatiyana as Gairmajarua Aam Land, but the same has been encroached upon by private



respondent nos. 5 to 12 by constructing brick and mud houses, as a result of which, public road has been blocked and drainage water is spilling out in the area. On a public petition dated 02.02.1991 submitted before the District Magistrate, Nawada, as contained in Annexure-1, a proceeding, being Encroachment Case No. 04 of 2015-16, has been initiated under the Bihar Public Land Encroachment Act (hereinafter referred to as 'the Act'), but the same has not been concluded in spite of the fact that the Circle Amin submitted a report to the effect that the encroachment has been made on the land in question.

Learned counsel for the respondent-State submits that at present he is not having any instruction whether the proceeding of Encroachment Case No. 04 of 2015-16 has been concluded or not, but if the same has not been concluded as yet, the same will be concluded within a time frame.

Considering the rival submissions of the parties, since the basic prayer is with regard to conclusion of proceeding of Encroachment Case No. 04 of 2015-16, hence, respondent no.4, the Circle Officer, Warisaliganj is directed to take the proceeding of Encroachment Case No. 04 of 2015-16 to its logical conclusion within a period of three months from the date of receipt/production of a copy of this order, if the same has



already not been concluded, after giving due opportunity of hearing to all affected persons, in accordance with the provisions of the Act.

Accordingly, with the above observation, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

U			
---	--	--	--

