

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13256 of 2013

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Ram Sagar Singh, alias Ram Sagar Prasad Singh, Son of Late Ragunath Singh, Resident of Village- Maldah, P.S. Barbigaha, District- Sheikhpura

.... Petitioner

Versus

1. The State of Bihar
2. District Magistrate, Sheikhpura
3. Circle Officer, Barbigaha (Sheikhpura)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Kumar, Advocate
For the Respondent/s : Mr. Raghwanand, GA-11
Mr. Sanjay Kr. Tiwari, AC to GA-11

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-04-2017

Heard.

The present writ application has been filed for staying the operation of Notice/Order issued vide Memo No.437, dated 28.05.2013, as contained in Annexure-1, in Encroachment Case No. 01/08-09, under the signature of Circle Officer, Barbigaha, respondent no.3. Further prayer has been made to direct the respondent authorities not to take any coercive step against the petitioner till conclusion of Encroachment Case No.01/08-09.

From the impugned notice, contained in Annexure-1, it appears that the notice was issued for having encroached the public land appertaining to Plot No.4720 and in the said notice the petitioner was also directed to remove the encroachment, failing



which the cost incurred on such removal of encroachment would be realized from him. Since the notice was issued almost four years ago i.e., on 28.05.2013 and there is nothing on record to suggest whether the Encroachment Case No.01/08-09 has been concluded or is still pending, this Court is neither inclined to issue notice to private respondents nor is inclined to keep the present writ application pending.

Accordingly, the writ application is disposed of with a direction to the respondent authorities to conclude the proceeding of Encroachment Case No.01/08-09 within a period of three months, after giving due opportunity of hearing to all the affected persons, under the provisions of the Bihar Public Land Encroachment Act, if the same has already not been concluded.

In the meantime, status quo over the land in question, as existing today, be maintained.

(Dinesh Kumar Singh, J)

Ashwini/-

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