

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13361 of 2013

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Anwarul Haque Ansari @ Anwar Ansari, son of Samsul Haque Ansari,
resident of Village – Bishanpura, P.S.- Marhowrah, District –Saran at
Chapra.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Saran at Chapra
3. The D.D.C., Saran at Chapra
4. The Circle Officer, Marhowrah, Block Chapra
5. The Chief Executive Officer, Zila Parishad, Saran at Chapra

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raghwendra Kumar, Advocate

For the State :

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-04-2017 Heard learned counsels for the petitioner and learned
counsel for the respondent State.

The present application has been filed for quashing of
the Notice dated 29.06.2013, as contained in Annexure-2, issued
by the Circle Officer, Marhowrah, respondent no.4, in
Encroachment Case No.04/2012-13, whereby 17 persons
including the petitioner were directed to remove the encroachment
from the land of Zila Parishad, latest by 10th of July, 2013, failing
which the same shall be removed forcefully and the expenses
incurred on such removal of encroachment shall be recovered
from the petitioner. Further prayer has been made to restrain the
respondent authorities from taking any coercive action against the



petitioner till disposal of Encroachment Case No. 04/2012-13.

Interlocutory Application No.592 of 2014, has been filed by one Sarswati Devi with a prayer for impleading her as party respondent.

Learned counsels for the petitioner and the respondents, do not have any objection to the prayer of the Intervener.

Hence, the interlocutory application is allowed.

Learned counsel for the petitioner is permitted to implead the Intervener as party respondent.

It is submitted by learned counsel for the Intervener that the Intervener has filed CWJC No.13361 of 2013 for removal of encroachment from the public road and in pursuance to the order passed in the said writ application, Encroachment Case No.04/2012-13 was initiated. He further submits that he does not have any information whether the proceeding of Encroachment Case No. 4 of 2012-13 has been concluded or not.

Since the notice, under challenge, as contained in Annexure-2, is dated 29.06.2013, whereby the petitioner was directed to remove the alleged encroachment latest by 10th of July, 2010, has lost its force, hence, virtually the writ application has become infructuous.



Accordingly, the writ application is disposed of with a direction to Respondent No.4, the Circle Officer, Marhowrah, to conclude the proceeding of Encroachment Case No.04/2012-13 within a period of three months after giving due opportunity of being heard to all the affected persons, under the provisions of the Bihar Public Land Encroachment Act, if the same has not been concluded as yet.

(Dinesh Kumar Singh, J)

Ashwini/-

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