

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6784 of 2014

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1. Md. Danish S/o Late Abdul Mazeed Resident of Village - Kothia, P.S.
Bhairavsthan, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Revenue And Land Reforms Department,
Government of Bihar, Patna
3. The District Magistrate, Madhubani
4. The Circle Officer, Circle Jhanjharpur, District - Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar Jha

For the Respondent/s : Mr. Manoj Kr. Ambastha

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 10-07-2017 Learned counsel for the petitioner is permitted to
make necessary correction in the petition, as prayed for.

Heard learned counsel for the petitioner and AC to
SC 26 for the respondent State.

The present writ application has been filed for a
direction to the respondent authorities to get the encroachment
removed from Plot No. 43 Khata No. 529 situated in Village –
Kothia, Circle – Jhanjharpur, District of Madhubani, which is a
public road, recorded in the revenue records as Gairmajarua Aam.

Learned counsel for the petitioner submits that for
removal of encroachment over the land in question, an application
was submitted before the respondent no. 4, Circle Officer,



Jhanjharpur. Consequently, a report was called for and the Anchal Amin submitted a report to the respondent no. 4 on 16.11.2011 suggesting that the public land/road has been encroached by four persons including the petitioner and subsequently again a report dated 14.3.2013, as contained in Annexure 1 series was submitted by the Anchal Amin to respondent no.4 with trace map and copy of Khatiyani, which reflects that the public road has been encroached by seven persons, including the petitioner. Consequently, Encroachment Case no. 22 of 2011-12 was initiated by respondent no. 4.

Notices were issued to four persons including the petitioner vide Memo no. 1084 dated 9.12.2011, as contained in Annexure 2 for production of documentary proof with regard to their encroachment over the land in question. Four encroachers namely, Ataullah, Kalomullah, Noormohammad and Md. Majlum appeared and submitted their response to the notice, stating that they have not encroached the public land, hence, they are not producing any proof on their behalf with regard to claim over the land in question.

It is submitted by learned counsel for the petitioner that so far as the petitioner is concerned, he has removed the encroachment, still the encroachment proceeding has not been



concluded.

It is submitted by AC to SC 26 that he does not have any instruction whether the encroachment proceeding has been concluded or not, hence he has no objection to the submission of learned counsel for the petitioner for directing Respondent No. 4 to take the Encroachment proceeding to its logical conclusion.

From perusal of the records, this court finds that till date no counter affidavit has been filed on behalf of the respondents nor the petitioner has impleaded other encroachers as party respondents.

Accordingly, this writ application is disposed of with a direction to the respondent no. 4 Circle Officer, Jhanjharpur to conclude the proceeding of Encroachment Case No. 22 of 2011-12, if it has already not been concluded in accordance with the provision of Bihar Public Land Encroachment Act, preferably within a period of three months, after giving due opportunity of hearing to all affected persons.

(Dinesh Kumar Singh, J)

Anil/-

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