

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15920 of 2015

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S. Tufail Ahmad S/o Late Abu Zaffar Resident of Village and P.O. - Pathraita,
P.S. and District - Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Sheikhpura.
3. The Superintendent of Police, Sheikhpura.
4. The Sub-Divisional Officer, Sheikhpura, District Sheikhpura.
5. The Circle Officer, Sheikhpura, District - Sheikhpura.
6. Jairam Yadav S/o Dhano Yadav
7. Balmiki Yadav S/o Dhano Yadav
8. Ramashish Yadav S/o Bechan Yadav
9. Sukhdeo Yadav S/o Barho Yadav
10. Ramnath Yadav S/o Bechan Yadav
11. Chandeshwar Yadav S/o Barho Yadav 6 to 11 are residents of Village -
Pathraita, P.S. and District - Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar
For the Respondent/s : Mr. Anil Kumar Singh, AC to SC 21

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 13-10-2017

Heard learned counsels for the parties.

The nature of order this court intends to pass, does not require
issuance of notice to respondent nos. 6 to 11.

The present writ application has been filed for a direction to
the respondent authorities to get the encroachment removed from
the land appertaining to Khata No. 21, Plot No. 397, Holding No.
66, situated in village Pathraita in the district of Sheikhpura, which
is Gairmajarua Aam land, which is being used as water channel
and part of the land is being used as public path.



The petitioner filed series of representations before the respondent no.5, the Circle Officer, Sheikhpura. One such representation is dated 24.6.2015 but neither any proceeding has been initiated nor the encroachment has been removed.

Counter affidavit has been filed on behalf of respondent nos. 2,4 and 5 to the effect that during enquiry it was found that the land in question is a public land and is being used as water channel and consequently, the encroachment proceeding was initiated vide Encroachment Case No. 2 of 2015-16 and notice under section 3 of the Bihar Public Land Encroachment Act (hereinafter referred to as the 'Act,') was issued to the encroachers. The same has been brought on record as Annexure A series to the counter affidavit. The counter affidavit has been filed on 4.2.2016, but there is nothing on record to suggest that the aforementioned encroachment case has been concluded or not, which is a sad reflection of the casual manner in which the respondent no.5, the Circle officer, Sheikhpura is discharging the quasi judicial functions.

In view of the fact that the encroachment proceeding has already been initiated, it is expected from respondent no.5, the Circle officer, Sheikhpura to take the proceeding of Encroachment Case No. 2 of 2015-16 to its logical conclusion within a period of



three months thereafter, after giving due opportunity of hearing to all affected persons including respondent nos. 6 to 11 in accordance with the provisions of the Act.

This writ application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

anil/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

