

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17414 of 2016

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Upendra Prasad, son of Late Hari Nandan Mahto, resident of village - Andi, P.S. -
Asthawan, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Water Resources Department, Government of Bihar,
Patna.
3. The Principal Secretary, Department of Revenue, Government of Bihar, Patna.
4. The District Magistrate, Nalanda.
5. The Sub Divisional Officer, Biharsharif, Nalanda.
6. The Circle Officer, Ashtawan, Nalanda.

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Anjani Kumar, A.A.G.-4

Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 30-03-2017

Grievance of the petitioner is that inspite of repeated representations being submitted the District Magistrate, Nalanda has not taken any action to remove the encroachment from the Aahar, Bandh and Pokhar in Mauza Andi (Nalanda) bearing Thana No. 182, Khata No. 187, Plot Nos. 1530, 1076, 2280 and 2202.

Keeping in view the aforesaid grievance of the petitioner, for the present, without expressing any opinion on the merits of the allegations made, interest of justice would be made in case the District Magistrate, Nalanda, Respondent No. 4 is directed to



look into the grievance of the petitioner and proceed to remove the encroachment in accordance with law after hearing all concerned, preferably within a period of six months from the date of receipt of a certified copy of this order. Needless to emphasize that before taking action it shall be incumbent upon the District Magistrate to hear all concerned after notice to them and after following the principles of natural justice.

The writ petition is, accordingly, disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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