

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15343 of 2016

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1. Surendra Sharma, Son of late Ram Janam Sharma, Resident of Village-Selarpur, P.O. Noawan, P.S. Shakurabad, District- Jehanabad.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Department of land and Revenue Reforms Bihar, Patna.
2. The District Magistrate, Jehanabad.
3. The Superintendent of Police, Jehanabad.
4. The Sub Divisional Officer, Jehanabad.
5. The Circle Officer, Ratni Faridpur (Jehanabad).
6. Ram Bilas Sharma, Son of late Nathuni Shrama.
7. Ramadhar Sharma, Son of late Nathuni Shrama.
8. Dinesh Sharma, Son of late Ram Jatan Sharma.
9. Santosh Sharma, Son of late Ram Jatan Sharma.
10. Lawkush Sharma, Son of late Ram Jatan Sharma. All Resident of Village- Selarpur, P.O. Noawan, P.S.- Shakurabad, District- Jehanabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shankar Kumar

For the Respondent/s : Mr. Md.Sajid Salim Khan-SC-25

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-07-2017 Learned counsel for the petitioner is permitted to make necessary correction in paragraph no.1 of the petition.

Heard learned counsel for the petitioner and learned S.C.-25 for respondent nos. 1 to 5.

The present writ application has been filed for a direction to the respondent authorities to get the encroachment removed from the government land appertaining to Khata No. 1002, Plot No. 3742 and Khata No. 2543, Plot No. 3736, situated in Mauza Selarpur in the District of Jehanabad. Further prayer has



been made for expediting the hearing of Encroachment Case Nos. 01 of 2015-16 and 03 of 2015-16.

The petitioner has brought on record the notices issued by respondent no.5, the Circle Officer, Ratni Faridpur, as contained in Annexure-5, in Form-II, under Section 6 (2) of the Bihar Public Land Encroachment Act in Encroachment Case Nos. 01 of 2015-16 and 03 of 2015-16. The said notices suggest that final orders have been passed with regard to land in question and respondent nos. 6 and 8 have been directed to remove the encroachment by 06.01.2016.

Learned S.C.-25 submits that notices under Form-II issued under Section 6(2) of the Bihar Public Land Encroachment Act reflects that the final order has been passed. However, he does not have the instruction whether the encroachment has been removed or not.

In the circumstances, though the final order passed under Section 6(1) of the Bihar Public Land Encroachment Act has not been brought on record, the present writ application is disposed of with liberty to the petitioner to submit appropriate application before respondent no.5 within a period of four weeks from the date of receipt/production of the copy of this order, for implementation of the final orders passed in Encroachment Case



No. 01 of 2015-16 and in Encroachment Case No. 03 of 2015-16 under the provisions of Section 7 of the Bihar Public Land Encroachment Act whereupon it is expected from respondent no.5, the Circle Officer, Ratni Faridpur to get the final order implemented within a period of six weeks, if it has already not been implemented or modified or challenged in appeal or set aside, after giving due opportunity of being heard to all the affected persons.

(Dinesh Kumar Singh, J)

Amrendra/-

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