

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7932 of 2015

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1. Raj Kumar Sah, Son of Late Gorakh Nath Prasad
 2. Guddu Kumar, Son of Raj Kumar Prasad
 3. Anup Kumar, Son of Raj Kumar Prasad
 4. Hadish Khan, Son of Late Mostafa Khan
 5. Raj Kumar Prasad, Son of Late Awataru Sah, all resident of Mohalla- Shivpuri, Shivajee Nagar, Anishabad, P.S.- Gardanibagh, District- Patna (Bihar).
- Petitioners

Versus

1. The State of Bihar through the District Magistrate, Patna, Patna.
2. The Sub Divisional Officer, Patna Sadar, Patna.
3. The Deputy Collector, Land Reforms, Patna Sadar, Patna.
4. The Circle Officer, Patna Sadar, Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.
For the Respondent/s : Mr. Bipin Kr. Singh, AC to SC-24

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-09-2017 Heard Mr. Manoj Kumar, learned counsel for the petitioners and Mr. Bipin Kumar Singh, learned AC to SC-24 for the respondent-State.

Through the present writ application, the petitioners have prayed for quashing the notice dated 14.09.2005, issued under the signature of respondent no.4, the Circle Officer, Patna Sadar, in Encroachment Case No. 05 of 2005-06, as contained in Annexure-2, whereby the petitioners were directed to submit their show cause on 20.09.2005, as to why the encroachment, made over the land appertaining to Thana No. 17, Khata No. 359, Plot No. 78, situated in Mauza Chitkohra, District Patna, be not removed.



Though, a counter affidavit has been filed on behalf of respondent nos. 3 and 4, the D.C.L.R., Patna Sadar and the Circle Officer, Patna Sadar, but it does not disclose whether the proceeding of Encroachment Case No. 05 of 2005-06 has been concluded or not.

This Court is not inclined to interfere into the matter since the notice, issued in the year 2005, has been challenged through the present writ application on 19.05.2015.

In the circumstances, if the proceeding of Encroachment Case No. 05 of 2005-06 has not been concluded as yet, it is expected from respondent no.4, the Circle Officer, Patna Sadar to take the proceeding of above mentioned encroachment case to its logical conclusion within a period of three months from the date of receipt/production of a copy of this order, after giving due opportunity of hearing to all affected persons including the petitioners, in accordance with the provisions of the Bihar Public Land Encroachment Act.

Accordingly, with the above observation and direction, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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