

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8555 of 2017

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Ramashish Chaudhary Alias Ramashish Pasi, Son of late Lakhan Pasi,
Resident of Village-Chakiya, Police Station-Kudra, District-Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The District Magistrate, Kaimur at Bhabhua
3. The Sub-Divisional Officer, Mohania, District-Kaimur.
4. The Anchaladhikari Kudra, District-Kaimur
5. Usha Devi, wife of Arjun Ram
6. Kailash Ram, son of late Haribansh Ram
7. Brij Mohan Ram, son of Sipahi Ram
8. Sheomuni Ram, son of late Sukar Ram
9. Hira Ram, son of late Haribansh Ram

Respondent Nos. 5 to 9 are residents of Village-Chakiya, P.O. and P.S.-
Kudra, District-Kaimur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Adv.
For the Respondent/s : Mr. Rakesh Kr. Srivastava, AC to GP-18

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 20-11-2017 Though the matter was fixed for today, i.e. 20.11.2017, but

it could not be listed. Hence, the same has been notified in

pursuance to order dated 14.11.2017.

Heard learned Counsels for the petitioner and the
respondent-State.

It is submitted by Mr. Rakesh Kumar Srivastava, learned
AC to GP-18 that in pursuance to the order dated 14.11.2017,
Sub-Divisional Officer, Mohania, is present before this Court
along with records of Encroachment Case No. 16 of 2013-14.

The present Writ application has been filed for a direction



to the respondent authorities to get the encroachment removed over the land appertaining to Thana No.658, Chak Khata No. 52, Chak Plot No. 79, in the light of order passed by the respondent no.4, Circle Officer, Kudra in Encroachment Case No. 16 of 2013-14.

This Court vide order dated 08.08.2017, directed respondent no.2, the District Magistrate, Kaimur to seize the entire records of Encroachment Case No. 16 of 2013-14 and transmit the same to this Court. The matter was fixed for 18th September, 2017 allowing the District Magistrate, Kaimur to examine the entire records and if need be, take disciplinary action against Circle Officer, Kudra. Thereafter, vide order dated 31.10.2017, the matter was adjourned on the prayer of learned Counsel for the respondent-State for 13th November, 2017 to comply the order dated 08.08.2017. The matter was taken up on 14.11.2017, when it was submitted that the records have still not been received, whereupon, this Court directed the District Magistrate, Kaimur to depute some responsible officer to be present in the Court on 20th of November, 2017, along with the records of Encroachment Case No.16 of 2013-14 as well as to file a show cause stating therein the circumstances under which the order dated 08.08.2017 has not been complied with.



A show cause has been filed on behalf of respondent no.2, the District Magistrate, Kaimur, to the effect that since the Circle Officer was getting the encroachment removed and was implementing the final order passed in encroachment case, hence, the record could not be produced before this Court.

In view of this Court, the explanation for non-compliance of the judicial order pleaded in the show cause is absolutely not acceptable. However, this Court expects the District Magistrate, Kaimur and Circle Officer, Kudra, to remain careful in future, in matters of compliance of the judicial order. The show cause further stipulates that a proceeding has been initiated against the concerned Circle Officer responsible for laches in implementing the order of this Court. It is expected from the respondent no.2, the District Magistrate, Kaimur, that such proceeding should be taken to its logical conclusion within a period of three months from the date of the order.

Mr. Rajani Kant Singh, learned Counsel appearing on behalf of the petitioner seeks permission to withdraw this application in view of the fact that encroachment has been removed, but his only apprehension is that the encroachment should not resurface on the land in question.

In the circumstances, the Writ application is permitted to



be withdrawn. Accordingly, it is disposed of.

It is expected from respondent no.4, the Circle Officer, Kudra, and the concerned SHO of Police Station to ensure and ascertain that the encroachment does not resurface on the land in question.

The personal appearance of Sub-Divisional Officer, Mohania, is dispensed with.

(Dinesh Kumar Singh, J)

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