

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16481 of 2014

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Ram Charitra Rai @ Ram Charitra Yadav, Son of Sunderdeo Rai, Resident
of Village - Indragachi, P.S. - Sangrampur, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
 2. The District Magistrate, East Champaran, Motihari.
 3. The Sub-Divisional Officer, Areraj, Motihari, East Champaran.
 4. The Circle Officer, Sangrampur, East Champaran.
 5. Nageshwar Yadav, Son of Ram Nath Yadav
 6. Fuldeo Yadav, Son of Ram Nath Yadav
 7. Kishore Yadav, Son of Late Jhabar Yadav
 8. Bhagrasan Yadav, Son of Late Shivdhari Yadav
- Respondent Nos. 5 to 8 are resident of Village - Indragachhi, P.S. -
Sangrampur, District- East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar Mishra, Adv.
For the Respondent/s : Mr. Nikhil Kumar Agrawal, AC to GA-1

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 08-08-2017 Heard Mr. Subodh Kumar Mishra, learned Counsel

appearing on behalf of the petitioner and Mr. Nikhil Kumar
Agrawal, learned AC to GA-1, appearing on behalf of Respondent
Nos. 1 to 4.

The present writ application has been filed for a
direction to the respondent authorities to get the encroachment
removed over the land appertaining to Khata No.539, Plot
No.2428, situated in Ward No.3, Village-Indragachhi, P.S.-
Sangrampur, District-East Champaran.



It is submitted by learned Counsel appearing on behalf of the petitioner that the land in question is recorded in the revenue record as 'Gairmajarua Aam' land and is being used as pathway by the villagers at large including the petitioner. On the application filed by the petitioner, a proceeding, being Case No.460M of 2005, was initiated under section 133 of the Code of Criminal Procedure, wherein, the Respondent No.3, Sub-Divisional Officer, Areraj, East Champaran, vide order dated 30.01.2008, directed Respondent No.4, the Circle Officer, Sangrampur, to enquire into the matter and take necessary steps, but no action was taken. Ultimately, on the another application of the petitioner, Encroachment Case No. 09 of 2013-14 was initiated and Respondent No.4, the Circle Officer, Sangrampur, vide order dated 28.01.2014, directed the Revenue Karmachari to submit a report, as contained in Annexure-6. In pursuance to the same, the Revenue Karmachari submitted a report on 30.01.2014, as contained in Annexure-7, suggesting that the encroachment has been made by Respondent Nos. 5 to 8. The report also suggests that the land in question is 'Aam Rasta', and the same has been encroached by respondent Nos. 5 to 8, but till date the encroachment proceeding has not been concluded. Hence, the writ application.



Since the writ application was filed on 18.09.2014, but the counter affidavit has not been filed till date, this Court is not inclined to adjourn the matter any further. However, this Court intends to pass such order which does not require issuance of notice to the private respondents.

Mr. Nikhil Kumar Agrawal, learned AC to GA-1, appearing on behalf of Respondent Nos. 1 to 4 submits that at present, he does not have any instruction whether Encroachment Case No.09 of 2013-14, has been concluded or not, but he submits that, if it has not been concluded, it would be concluded within a time frame.

Having heard learned Counsels for the parties, without expressing any opinion on the merits of the case, it is expected from Respondent No.4, the Circle Officer, Sangrampur, to conclude the proceeding of Encroachment Case No. 09 of 2013-14, within a period of three months, if it has not been concluded, after giving due opportunity of hearing to all the affected persons, under the provision of the Bihar Public Land Encroachment Act.

Accordingly, the writ application is disposed of.

(Dinesh Kumar Singh, J)

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