

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12621 of 2013

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1. Ram Babu Rai Son Of Late Ramchandra Rai Resident Of Village -
Baruraj, Tole - Chaukia, P.O. & P.S. Baruraj, District - Muzaffarpur

2. Ram Pukar Rai Son Of Sri Jai Mangal Rai Resident Of Village -
Baruraj, Tole - Chaukia, P.O. & P.S. Baruraj, District - Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Government Of Bihar,
Patna

2. The District Magistrate, Muzaffarpur, District - Muzaffarpur

3. The Circle Officer, Motipur, District - Muzaffarpur

4. The Circle Inspector, Motipur, District - Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Adv

For the Respondent/s : Mr. A.C. to S.C. 2.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

2 21-04-2017 Heard Mr. Ravi Ranjan, learned counsel for the

petitioners and A.C to S.C.-2, learned counsel appearing for the

respondent nos. 1 to 4.

The present writ application has been filed for
quashing the order dated 14.05.2012 passed by the respondent no.
3, Circle Officer, Motipur, in Encroachment Case No. 03 of 2010-
11, whereby the proceeding of the encroachment case has been
stayed on an information by an advocate of this Court that
C.W.J.C No. 9640 of 2012 has been filed. Further, the prayer
made by the learned counsel for the petitioners is for issuance of a
direction to dispose of the Encroachment Case No. 03 of 2010-11.



The factual matrix of the case is that the public road situated on Plot No. 11977 of Thana No. 231, in Motipur Circle is recorded as public land in the revenue records but the said road has been encroached upon and the petitioners are facing difficulty in approaching the main road. On the complaint of the petitioners, the Encroachment Case No. 03 of 2010-11 was initiated and the Circle Officer, Motipur, respondent no. 3, directed the Circle Inspector, Motipur Circle to inspect and submit a report after conducting inquiry. The Circle Inspector, after visiting the plot submitted a report to the Circle Officer, Motipur circle, which has been annexed as Annexure-1, which clearly shows that the encroachment has been made over the public road in question. Thereafter the respondent no. 3, directed the Anchal Amin to measure the road in question vide order contained in Memo No. 1250 dated 03.12.2011. Consequently, the Anchal Amin submitted his report which has been annexed as Annexure-2 to this writ application. Subsequently, notices were issued to 12 encroachers vide order dated 22.02.2012 passed by the respondent no. 3, Circle Officer, Motipur, in Encroachment Case No. 03 of 2010-11. Surprisingly, one of the advocate namely, Mr. Ashok Kumar Rai has produced a certificate before the Circle Officer, Motipur, that one Bela Singh has filed C.W.J.C No. 9640 of 2012 before this



Hon'ble Court in connection with encroachment proceeding. The Circle Officer, Motipur vide order dated 14.05.2012 as contained in Annexure-5 stayed the further proceeding of Encroachment Case No. 03 of 2010-11.

It is submitted by learned counsel for the petitioners, that the said writ application relates to promotion and the same has been disposed of vide order dated 16.05.2012, by this Court. Though statement to this effect has not been made in the petition. Learned counsel for the petitioners further submits that he confines his prayer for disposal of the Encroachment Case No. 03 of 2010-11.

In that view of the matter, this writ application is disposed of with a direction to the respondent no. 3, Circle Officer, Motipur to dispose of the Encroachment Case No. 03 of 2010-11 within a period of three months, if it has not been concluded as yet, after affording an opportunity of being heard to all the affected persons under the provisions of Bihar Public Land Encroachment Act, 1956.

(Dinesh Kumar Singh, J)

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