

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 16449 of 2013

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Radhe Shyam Pandey Son of Late Musan Pandey Resident of Village- Gheghian
P.S. Mohania District Kaimur At Bhabhua

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate Kaimur (Bhabhua)
3. The Sub Divisional Officer Mohania
4. The Anchaladhikari Mohania District Kaimur
5. Shyam Sundar Pasi Son of Late Chirkut Pasi Resident of Village Gheghian P.S.
Mohania District- Kaimur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. ARABIND NATH PANDEY

For the Respondent/s : Mr. A.UJJWAL

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CORAM: HON'BLE MR JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date: 04-05-2017

Heard Mr Arabind Nath Pandey, learned counsel for the
petitioner and AC to SC 4 for respondents No 1 to 4.

2 The present application has been filed for a direction
to respondents-authority to get the encroachment removed over the
land bearing Khata No 149, Plot No 509, an area of 4 decimals
situated under Mauza Gheghian, Police Station – Mohania, District –
Kaimur which is recorded in the revenue records as *Sarva Sadharan*
land. It is submitted by learned counsel for the petitioner that the
petitioner's Plot No 508 is adjacent to the plot in question, hence, the
ingress and outgress of the petitioner has been obstructed. The said



land is being used by public. On 13.07.2011, a public petition was submitted before the Circle Officer but no action was taken, then the public petition was submitted before the District Magistrate, Kaimur. Thereafter, Additional Collector, Kaimur, vide letter dated 20.11.2011, as contained in Annexure 1, directed the Circle Officer, Mohania to take action in pursuance to the public petition and inform him about that. On 20.06.2012, public petition was again filed before the Circle Officer, Mohania, respondent No 4 for getting the encroachment removed which has been encroached by respondent No 5. Ultimately, Encroachment Case No 1225 of 2012 was initiated but till date, neither the proceeding has been concluded nor the encroachment has been removed.

3 Learned counsel for the petitioner submits that, at present, he does not have any instruction whether Encroachment Case No 1225 of 2012 has been concluded or not?

4 Having heard learned counsel for the petitioner and the learned counsel for respondents No 1 to 4, this Court is not inclined to issue notice to respondent No 5, in view of the nature of the order, this Court proposes to pass.

5 In view of the fact that this much is admitted that Encroachment Case No 1225 of 2012 was initiated in 2012, it is expected from respondent No 4, the Circle Officer, Mohania to take it



to its logical conclusion, if it has not been concluded as yet, within a period of three months from today after giving due opportunity of being heard to all the affected persons in accordance with law.

6 Accordingly, the writ application is disposed of.

(Dinesh Kumar Singh, J)

M.E.H./-

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