

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15023 of 2015

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1. Sumitra Devi, W/o Late Shubhchanu Chaudhary
 2. Bhagya Narayan Chaudhary, S/o Late Ramdev Chaudhary
- Both are Resident of Village Chahuta, Police Station Bisfi,
District Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
 2. The Principal Secretary, Department of Home, Govt. of Bihar, Patna.
 3. The Director General of Police, Govt. of Bihar, Patna.
 4. The District Magistrate, Madhubani.
 5. The Superintendent of Police, Madhubani.
 6. The Sub Divisional Officer, Benipatti, Madhubani.
 7. The Circle Officer, Bisfi, Madhubani.
 8. The Officer-in -Charge / Station House Officer, Police Station Bisfi, District Madhubani.
 9. Ram Naresh Chaudhary, S/o Late Mukunel Chaudhary
 10. Rajeev Kumar Jha, S/o Krishna Kumar Jha
 11. Pankaj Thakur, S/o Pashupati Thakur
 12. Shashi Bhushan Chaudhary, S/o Late Rajendra Chaudhary
 13. Chalitar Das, S/o Late Sachchai Das
 14. Jireshwar Chaudhary, S/o Late Chandrader Chaudhary
 15. Kulesh Chaudhary, S/o Late jai Narayan Chaudhary
 16. Sudhira Devi, W/o Late Vinod Chaudhary
 17. Buchchi Devi, W/o Late Naseeb Narayan Chaudhary
- All Resident of Village Chahuta, P.S. Bisfi, District Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Maya Nand Jha, Adv.
For the Respondent/s : Mr. Niraj Kumar, AC to GA-10

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-10-2017 Heard Mr. Maya Nand Jha, learned Counsel appearing on behalf of the petitioners and Mr. Niraj Kumar, learned AC to GA-10, appearing on behalf of the respondent - State.

In view of the nature of order this Court intends to pass, it does not require issuance of notice to private respondent nos. 9



to 17, Ram Naresh Chaudhary, Rajeev Kumar Jha, Pankaj Thakur, Shashi Bhushan Chaudhary, Chalitar Das, Jireshwar Chaudhary, Kulesh Chaudhary, Sudhira Devi and Buchchi Devi.

Initially, the Writ application was filed for a direction to respondent authorities, specially, respondent no.4, , the District Magistrate, Madhubani, to initiate a proceeding under the Bihar Public Land Encroachment Act (hereinafter referred to as 'the Act') and get the encroachment removed from the public land appertaining to Plot No.1739, which starts from Road No. 393 and runs up to Sheela Kant Chaudhary's house, situated in Village-Chahuta, P.S-Bisfi, District-Madhubani.

After filing of the counter affidavit on behalf of respondent nos. 4 to 8 to the effect that the encroachment proceeding has already been initiated being Encroachment Case No. 02/2015-16, Interlocutory Application No. 2971 of 2017 has been filed for amending the prayer to the extent that direction may be issued for concluding the proceeding of Encroachment Case No.02/2015-16.

Learned Counsel appearing on behalf of the petitioners confines his prayer only to the extent of directing the respondent authorities, particularly, respondent no.7, the Circle Officer, Bisfi, Madhubani, to conclude the proceeding of Encroachment



Case No. 02/2015-16, within a time frame, which has not been concluded as yet.

Learned AC to GA-10 relying upon the counter affidavit, has submitted that after finding, *prima facie*, that the encroachment has been made on a public road the Encroachment Case No. 02/2015-16 has already been initiated, though, at the same time, he submits that he is not having any instruction whether it has been concluded or not.

In the circumstances, respondent no.7, the Circle Officer, Bisfi, Madhubani, is directed to take the proceeding of Encroachment Case No.02/2015-16 to its logical conclusion, if it has already not been concluded, within a period of two months, after giving due notice of hearing to all the affected persons under the provisions of the Act.

The Writ application is, accordingly, disposed of with the aforementioned observation and direction.

(Dinesh Kumar Singh, J)

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