

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21847 of 2013

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1. Devkalo Devi, W/O-Mahendra Singh @ Mahendra Singh Yadav,
Resident of Village - Dhaka Karan, P.O. Barnaw, P.S. Aayar, District –
Bhojpur.

2. Mahendra Singh, S/O-Late Raju Singh, Resident of Village - Dhaka
Karan, P.O. Barnaw, P.S. Aayar, District - Bhojpur

3. Surendra Prasad Singh, S/O Mahendra Singh @ Mahendra Singh Yadav,
Resident of Village- Dhaka Karan, P.O. Barnaw, P.S. Aayar, District -
Bhojpur

.... Petitioners

Versus

1. The State of Bihar through the Collector, Bhojpur (Ara)
2. The Collector, Bhojpur (Ara)
3. The Sub - Divisional Officer, Jagdishpur, Bhojpur (Ara)
4. The Circle Officer, Jagdishpur, Bhojpur (Ara)

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Suraj Narain Yadav
For the Respondent/s : Mr. Jaishankar Barnwal

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-06-2017 Heard the learned counsel for the petitioners and the
learned A.C. to G.A.-12.

The present writ application has been filed for
quashing the notice dated 17.07.2013, as contained in Annexure-8,
issued in connection with Encroachment Case No. 03 of 2012-13
by the office of Circle Officer, Jagdishpur whereby the petitioner
has been directed to remove the encroachment by 14.08.2013.
Further prayer has been made for quashing the entire proceeding
of Encroachment Case No. 03 of 2012-13.

It is submitted by the learned counsel for the



petitioners that now the petitioners have submitted their show cause, but final order has not been passed in the encroachment proceeding. Moreover, with regard to land in question, Title Suit No. 01 of 1998 has been filed on behalf of the petitioner for declaration of title and possession over the Plot No. 621 and 622 as well as for declaration that the entry in the R.S. Khatiyani in the name of State of Bihar is illegal.

Learned counsel for the petitioner confines his prayer only to the extent for a direction to the respondent authorities for conclusion of Encroachment Case No. 03 of 2012-13.

Learned A.C. to G.A.-12 submits that if the Encroachment Case No. 03 of 2012-13 has already not been concluded, appropriate direction may be made for conclusion of the same within a time frame.

In the circumstances, the present writ application is disposed of with a direction to respondent no.4, the Circle Officer, Jagdishpur to conclude Encroachment Case No. 03 of 2012-13 within a period of four months from the date of receipt/production of the copy of this order, if the same has already not been concluded, after giving due opportunity of being heard to all the affected persons, in accordance with the provisions of Bihar



Public Land Encroachment Act.

(Dinesh Kumar Singh, J)

Amrendra/-

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