

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10642 of 2016

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Chandeshwar Prasad Yadav, Son of Jagdish Yadav, Resident of
Village-Biraul, P.S.- Khajouli, District- Madhubani.

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Madhubani.
2. The Divisional Commissioner, Darbhanga Division, Darbhanga.
3. The Collector, Madhubani.
4. The Additional Collector, Madhubani.
5. The Deputy Collector Land Reforms, Sadar Madhubani, District-
Madhubani.
6. The Sub-Divisional Officer, District- Sadar, Madhubani.
7. The Circle Officer Khajouli, P.S. Khajouli, District Madhubani.
8. The Heera Lal Mahra, Son of Late Sunder Mahra, Resident of
Village-Biraul, P.S.- Khajouli, District- Madhubani.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Adv.
For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 23-08-2017 Heard Mr. Gagan Deo Yadav, learned counsel for the
petitioner and learned G.P.-18 for respondent nos. 1 to 7.

The nature of order this Court intends to pass does not
require issuance of notice to private respondent no.8.

The present writ application has been filed for a
direction to the respondent authorities to get the encroachment
removed from the public road appertaining to Khata Nos. 239
(old), 507, Plot Nos. 916 (old) and 1649 (new), situated in Mauza
Biraul P.S. Khajouli, District Madhubani.

It is submitted by learned counsel for the petitioner



that the land in question is a public road, which has been encroached upon by respondent no.8, Heera Lal Mahra, by constructing a hut over it. A supplementary affidavit has been filed on behalf of the petitioner to the effect that though, Encroachment Case No. 16 of 2015-16 has been initiated, but the same has not been concluded as yet.

A counter affidavit has been filed on behalf of respondent nos. 3 to 7, but it does not stipulate that any encroachment proceeding has actually been initiated or not.

In the circumstances, respondent no.7, the Circle Officer, Khajouli is directed to conclude the proceeding of Encroachment Case No. 16 of 2015-16 within a period of two months from the date of receipt/production of the copy of this order, after giving due opportunity of hearing to all the affected persons, in accordance with the provisions of the Bihar Public Land Encroachment Act, 1956.

Accordingly, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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