

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12054 of 2014

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Shiv Narayan Mahto, Son of Late Bazo Mahto, Resident of village -
Dhyanchakki (Bagras), P.S. and Anchal Bakhri, District - Begusarai

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate - cum - Collector, Begusarai
3. The Anchal Adhikari, Bakhri P.S. Bakhri District - Begusarai
4. Ramashish Mahto
5. Jay Kant Mahto
6. Kailu Mahto @ Kailash Mahto All sons of Dukh Haran Mahto
The respondent nos. 4 to 6 resident of village - Dhyar Chakki (Bagras),
P.S. & Anchal Bakhri, District - Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the Respondent/s : Mr. Manoj Kumar Ambastha, SC-26

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 21-07-2017 Heard Mr. Arun Kumar, learned Counsel appearing
on behalf of the petitioner and Mr. Manoj Kumar Ambastha,
learned SC-26, appearing on behalf of Respondent Nos. 1 to 3.

The present writ application has been filed for a
direction to the respondent authorities to get the proceeding of the
Encroachment Case No.06 of 2007-08 concluded, pending before
Respondent No.3, the Circle Officer, Bakhri.

It is submitted by Mr. Arun Kumar, learned Counsel
appearing on behalf of the petitioner that the land pertaining to
Plot No.128 of Khata No.35, Plot No.133 of Khata No.34 and Plot



No.136 of Khata No.35, situated in the Village –Chak Dheyana (Bagras), District-Begusarai, is recorded as ‘Gairmajarua Aam Rasta’ in the survey record of right and over plot No.128, there is brick soling also but the same has been encroached upon, though an encroachment proceeding has been initiated but the same has not been concluded as yet. Hence, the writ application.

Mr. Manoj Kumar Ambastha, learned SC-26, appearing on behalf of Respondent Nos. 1 to 3, submits that, at present, he does not have any instruction whether the proceeding of the Encroachment Case No.06 of 2007-08, has been concluded or not, or whether the encroachment has been removed or not.

In view of the relief prayed for and the fact that the writ application was filed on 16/07/2014, but, the counter affidavit has not been filed till date, this Court is not inclined to adjourn the matter any further. However, in view of the relief prayed for, this Court intends to pass such order, which does not require issuance of notice to the private respondents.

This Court is dismayed to find that Encroachment Case No.06 of 2007-08, was initiated ten years ago but the same has not been concluded as yet.

Accordingly, the writ application is disposed of with a direction to Respondent No.3, the Circle Officer, Bakhri, to



conclude the proceeding of Encroachment Case No.06 of 2007-08, within a period of two months, if the same has not been concluded, after giving due opportunity of hearing to all the affected persons, under the provision of the Bihar Public Land Encroachment Act.

(Dinesh Kumar Singh, J)

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