

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16618 of 2015

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Ram Kewal Mahto, Son of Rameshwar Mahto, Resident of Village -Naranga,
P.S.- Bela, Block-Parihar, District Sitamarhi.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar Patna.
2. The Commissioner, Tirhut Division.
3. The District Magistrate, Sitamarhi.
4. The Sub Divisional Officer, Sitamarhi, Sadar sitamarhi.
5. The Circle Officer, Parihar Sitamarhi.
6. Rajesh Kumar @ Fulo Singh, Son of Late Balkeshwar, Resident of Village-
Naranga, P.S.- Bela, Block-Parihar, District-Sitamarhi.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Adv.
For the Respondent/s : Mr. Sanjeet Kumar Singh, AC to AAG-6.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-10-2017 Heard Mr. Krishna Kant Singh, learned counsel for the

petitioner and Mr. Sanjeet Kumar Singh, learned AC to AAG-6

for the respondent-State.

Since, the present writ application was listed on
13.10.2015, but till date no counter affidavit has been filed,
hence, this Court is not inclined to adjourn the matter any
further.

The nature of order this Court intends to pass, does not
require issuance of notice to private respondent no.6.

The present writ application has been filed for a direction
to the respondent authorities to get the encroachment removed
from the public land appertaining to Plot No. 16458, Khata No.



3678, situated in Village Naranga, Block Parihar, District Sitamarhi.

It is submitted by learned counsel for the petitioner that the land in question is a public and the same is being used as Aam Rasta, but the same has been encroached upon by private respondent no.6.

It is further submitted by learned counsel for the petitioner that though encroachment proceeding vide Encroachment Case No. 20 of 2014-15 has been initiated and the notices were issued to private respondent no.6, under the signature of respondent no.5, the Circle Officer, Parihar, as contained in Annexure-3, under Section 3 of the Bihar Public Land Encroachment Act (hereinafter referred to as 'the Act'), but till date, neither encroachment proceeding has been concluded, nor the encroachment has been removed. Hence, the present writ application.

Learned AC to AAG-6 submits that at present, he is not having any instruction whether the encroachment proceeding has been concluded or not, or whether the encroachment has been removed or not, but if the encroachment proceeding has not been concluded till date, the same will be concluded within a time frame.



In the circumstances, it is expected from respondent no.5, the Circle Officer, Parihar to conclude the proceeding of Encroachment Case No. 20 of 2014-15 within a period of three months from the date of receipt/production of a copy of this order, if the same has already not been concluded, after giving due opportunity of hearing to all affected persons, in accordance with the provisions of the Act.

Accordingly, with the above observation, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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