

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17580 of 2013

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Ram Bihari Jha, Son of Late Ramawatar Jha, Resident of Village- Dekuli, P.S.-
Bahadurpur, District- Darbhanga

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Divisional Commissioner, Darbhanga Division, Darbhanga
3. The District Magistrate, Darbhanga
4. Deputy Collector, Land Revenue, Darbhanga
5. The Circle Officer, Bahadurpur, Darbhanga
6. Officer In Charge, Bahadurpur Police Station, District- Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date: 08-05-2017

Heard learned counsel for the petitioner and Mr. Anand
Upadhyay, learned counsel for the respondents.

The present writ application has been filed basically for
removal of encroachment from a public road appertaining to New Plot
Nos. 950 and 1366, Thana No. 228, situated in Mauza Dekuli under
Bahadurpur Circle in the District of Darbhanga and to conclude the
encroachment proceeding in view of the report of the Circle Amin
dated 02.02.2011, as contained in Annexure-2, submitted to Circle
Officer, Bahadurpur whereby it was found that the public land has
been encroached by Ramashankar Jha, Jiwachh Jha, Sajjan Jha, Sushil
Jha and Upendra Jha.



It is submitted by the learned counsel for the petitioner that the report of the Circle Amin, submitted in the year 2011, reflects that the encroachment has been made on the public road, but the same has not been removed till date nor the encroachment proceeding has been concluded.

Mr. Anand Upadhyay, learned counsel for the respondent-State submits that none of the documents reflects that any encroachment proceeding has been initiated but if the encroachment proceeding has already been initiated then it will be concluded within specific time frame and if the encroachment proceeding has not been initiated then it will be initiated and the same will be taken to its logical conclusion within a period of three months.

In view of the above stand of the learned counsel for respondent-State, the present writ application is disposed of with liberty to the petitioner to file a comprehensive representation before the Circle Officer, Bahadurpur, respondent no.5 within a period of three weeks from the date of receipt/production of a copy of this order when respondent no.5 will consider the grievance of the petitioner and if the encroachment proceeding has already been initiated and not concluded, then the same shall be concluded within a period of two months. But if no proceeding has been initiated till date and the Circle Officer, prima facie, finds that encroachment is existing on the public



road, then the same should be initiated forthwith and taken to its logical conclusion within a period of three months.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	..11/05/2017
Transmission Date	N/A

