

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.479 of 2018

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1. Uday Devi, W/o Late Saheb Rai
 2. Shyam Rai Patel, S/o Late Saheb Rai
 3. Ram Tirath Roy, S/o Late Saheb Rai
 4. Ram Sihashan Roy, S/o Late Saheb Rai All R/o Village-Dariyapur, P.O.-
Hanspur, P.S.-Nayagaon, District-Begusarai, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Rural Works Department, Government of Bihar,
Patna.
3. The District Magistrate, Begusarai, Bihar.
4. The Executive Engineer, Rural Works Department, Works Division,
Begusarai, Bihar.
5. The Circle Officer, Matihani, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Siya Ram Shahi, Adv. Ms. Shally Kumari, Adv. Mr. Rakesh Kumar Singh, Adv.
For the Respondent/s	:	Mr. P.N. Shahi, AAG-6 Mr. Dharendra Kumar, A.C. to A.A.G. 6

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 02-11-2018

Heard Mr. Siya Ram Sahi, learned counsel for the
petitioner and Mr. Dharendra Kumar, A.C. to A.A.G. 6 for the
State.

The petitioner prays for a direction to the respondent
Nos. 3 and 5 i.e the District Magistrate, Begusarai and the Circle
Officer, Matihani to remove the encroachment from the public



land bearing bearing Plot No.134, Khata No.44, Thana No.511, Mauza-Dariyapur in the District of Begusarai.

Mr. Shahi has invited the attention of this Court to a notice dated 24.11.2017 issued under the signature of the Circle Officer, Matihani to submit that although a proceeding was initiated by him by a notice to the alleged encroachers but the same has been left incomplete forcing the petitioner before this Court.

A counter affidavit is on record but it is on behalf of the Rural Works Department and not the Circle Officer, Matihani.

In the nature of order we propose to pass we need not await the filing of any affidavit by the Circle Officer.

Having noted that the Circle Officer has already initiated a proceeding to issue notice to the alleged encroacher we would only direct the Circle Officer to conclude the proceeding so initiated understandably under the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act') in accordance with law and by giving due opportunity of hearing to the complaints as well as the alleged encroachers whose names find mentioned in the notice in question. That the notice was issued one year back, we direct the Circle Officer, Matihani to conclude the proceeding in accordance with law and in the manner



prescribed under ‘the Act’ expeditiously and preferably within 6 months from the date of receipt/production of a copy of this order.

This disposes of the writ petition.

(Jyoti Saran, J)

(Nilu Agrawal, J)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.11.2018
Transmission Date	NA

