

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6004 of 2018

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Mukesh Kumar, Son of Sri Anil Kumar, Resident of Village Sonchari, P.S.-
Parwalpur, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner, Patna Division, Patna.
2. The Commissioner, Patna Division, Patna.
3. The District Magistrate, Nalanda.
4. The Superintendent of Police, Nalanda.
5. The Sub Divisional Officer, Hilsa, Nalanda.
6. The Sub-Divisional Police Officer, Hilsa, Nalanda.
7. The Circle Officer, Parwalpur, Nalanda.
8. Sri Suranj Kumar, Son of Late Ram Nandan Sharma, Resident of Village Sonchari, P.S.- Parwalpur, District - Nalanda.
9. Sri Ram Ratan Singh, Son of Late Awadh Bihari Singh, Resident of Village Sonchari, P.S.- Parwalpur, District - Nalanda.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Maruth Nath Roy, Adv.
For the Respondent/s : Mr. Raj Kishore Roy, GP-18

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 03-08-2018

Heard Mr. Sanjay Parasmani, learned counsel for the
petitioner and Mr. Raj Kishore Roy, learned GP 18 for the
respondent-State.

Though, the present writ application has been registered
on 30.03.2018, but till date, no counter affidavit has been filed,
hence, in view of nature of order this Court intends to pass, this
court is not inclined either to adjourn the matter any further, or to
issue notice to private Respondent Nos. 8 and 9.

The present writ application has been filed for a
direction to the respondent authorities to get the encroachment



removed from the land, appertaining to Khata No. 346, Plot No. 2982, situated at Mauza Sonchari, District Nalanda, but the same has been encroached upon by private Respondent Nos. 8 and 9.

It is submitted by learned counsel for the petitioner that for removal of the encroachment from the land in question, three encroachment proceedings, being Encroachment Case Nos. 01 of 2017-18, 03 of 2017-18 and 10 of 2017-18, have been initiated, wherein notices under Section 6(2) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act'), have been issued after coming to the conclusion that encroachment has been made over the land in question, but till date, encroachment has not been removed from the land in question. Hence, the present writ application.

Mr. R.K. Roy, learned GP 18 submits that at present, he is not having any instruction, whether the order passed under Section 6(1) of the Act has been implemented or not, but if the same has not been implemented till date, the same will be implemented within a reasonable time frame.

Having heard learned counsels for the parties, from perusal of the order sheets of various orders, passed by Respondent No.7, the Circle Officer, Parwalpur, in Encroachment Case No. 01 of 2017-18 and 10 of 2017-18, as contained in



Annexures-1 and 2, it appears that after issuance of notice under Section 6(2) of the Act, the land in question was measured again, which suggests that Respondent No.7, the Circle Officer, Parwalpur, is deliberately not giving a finality to the pending proceedings with regard to the encroachment on the land in question.

In the circumstances, Respondent No.7, the Circle Officer, Parwalpur, is expected to conclude the above mentioned encroachment proceedings within a period of two months from the date of receipt/production of a copy of this order, after giving due notice to all affected persons including the petitioner and private Respondent Nos. 8 and 9, in accordance with the provisions of Section 6(2) and 7 of the Act.

Accordingly, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/Deepak/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

