

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2424 of 2016

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1. Bhageshwar Prasad Singh Son of Late Bittan Singh
2. Jasodhar Singh Son of Late Settan Singh
Both residents of village - Murheri, P.S. Haveli Kharagpur,
District - Munger

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The District Magistrate, Munger
3. The Circle officer, Haveli Khargpur, District - Munger

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Uma Kant Sukla, Adv.
For the Respondent/s : Mr. Arvind Kumar, AC to AAG-1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-01-2018 Heard learned Counsels for the petitioners and respondent-State.

The present Writ application has been filed for a direction to respondent no.2, the District Magistrate, Munger, to dispose of the Encroachment Appeal No. 03 of 2015-16, filed on 17.08.2015, against the order dated 01.08.2015, passed by the respondent no. 3, the Circle Officer, Haveli Kharagpur, in Encroachment Case No.02 of 2014-15, whereby, the petitioner has been directed to remove the encroachment from the land appertaining to Plot No. Plot Nos.665 and 666, Khata No. 239, situated in Village -Murheri, District -Munger. Further prayer has been made to stay the order dated 01.08.2015, passed by the respondent no. 3, the Circle Officer, Haveli Kharagpur, till



disposal of the Appeal.

It is submitted by learned Counsel for the petitioners that the petitioners are residing over the land in question being plot no. 667 since last 70 years and the said land was allotted to their ancestor by the 'Bhudan Yagya Committee'. The petitioners also submitted an application before the appropriate authority for settlement of the land in question in their favour, since they are residing over the said land since last 70 years and they are landless persons. Encroachment Case No. 02 of 2014-15 was initiated on the complaint filed by Panchayat Mukhiya and the co-villagers wherein without apprising the claim of the petitioners, respondent no. 3, the Circle Officer, Haveli Kharagpur vide order dated 01.08.2015, as contained in Annexure-4, declared the petitioners as encroachers and directed to remove the encroachment from the land in question. Against such order the petitioner preferred Appeal No. 03 of 2015-16 before respondent no.2, the District Magistrate, Munger, and also filed a petition under Section 14 of the Act for stay of the execution order dated 01.08.2015, passed by the Circle Officer, but till date neither the operation of the order has been stayed or nor the appeal of the petitioner has been disposed of.

Since the present Writ application was registered on



04.02.2016, but till date no counter affidavit has been filed, hence, this Court is not inclined to adjourn the matter any further.

Learned Counsel appearing on behalf of the respondent-State submits that if the Appeal filed by the petitioners has not been disposed of till date, it will be disposed of within time frame.

Considering the rival submissions of the parties, it is high time that the respondent no.2, the District Magistrate, Munger, should dispose of Encroachment Appeal No. 03 of 2015-16 within a period of three months on receipt/production of a copy of this order, if it has already not been disposed of, after giving due opportunity of hearing to all the affected persons.

The Writ application is, accordingly, disposed of with the observation and direction mentioned above.

(Dinesh Kumar Singh, J)

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