

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18754 of 2017

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Bashukinath Jha, Son of Late Lutan Jha, Resident of Village- Bardaha, P.S.-
Babubarhi, District- Madhubani.

... .. Petitioner

Versus

1. The State of Bihar through the Secretary, Revenue Department, Government of Bihar, Patna.
2. The Secretary, Land Reforms, Government of Bihar, Patna.
3. The Collector, Madhubani, District- Madhubani.
4. The Additional Collector, Madhubani, District- Madhubani.
5. The Sub-Divisional Officer, Madhubani, District- Madhubani.
6. The Deputy Collector, Land Reforms, Madhubani, District- Madhubani.
7. The Circle Officer, Babubarhi, District- Madhubani.
8. Jugai Ram, Son of Late Pukhai Ram,
9. Hira Lal Ram, Son of Jugai Ram, Both the Resident of Village+P.O.- Bardaha, P.S.+Circle- Babubarhi, District- Madhubani.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha
For the Respondent/s : Mr. MD.KHURSHID ALAM -AAG12

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-02-2018 Heard Mr. Subhash Kumar Jha, learned counsel for the

petitioner and Mr. Majid Mahbood Khan, learned AC to AAG-

12.

Since the present writ application was registered on
18.12.2017, but till date no counter affidavit has been filed,
hence, this Court is not inclined to adjourn the matter any
further for filing counter affidavit.

In view of the nature of order this Court intends to pass,
this Court is not inclined 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 public land appertaining to Thana No. 190, Khata No. 556, Old Plot No. 1362, New Plot No. 2441, situated in Mauza Bardaha, Circle Babubarhi, District Madhubani.

It is submitted by learned counsel for the petitioner that the land in question is recorded in the Khatian as Anabad Sarv Sadharan and the same is being used as a public road, which has been encroached upon by private respondent nos. 8 and 9, as a result of which the ingress and egress of the petitioner from his land, appertaining to Khata No. 154, Old Plot No. 1354, New Plot Nos. 2189, 3445 and 2188, situated east to the land/road in question, has completely been obstructed. For removal of encroachment from the land in question, the petitioner submitted an application before respondent no.7, the Circle Officer, Babubarhi on 11.04.2011, as contained in Annexure-2, whereupon, respondent no.7, the Circle Officer, Babubarhi directed the Circle Amin to measure the land in question and to submit a report and consequently, the Circle Amin submitted the report on 05.07.2011, as contained in Annexure-3, stipulating therein that the land in question is a public land which has been encroached upon by private respondent nos. 8 and 9.



Consequent to that, respondent no.7, the Circle Officer, Babubarhi initiated a proceeding being Encroachment Case No. 117 of 2012, but it is submitted that till date, the same has not been concluded. Hence, the present writ application.

Learned AC to AAG-12 is not controverting the contention of the petitioner, that encroachment proceeding has not been concluded as yet.

In the circumstances, respondent no.7, the Circle Officer, Babubarhi is directed to take the proceeding of Encroachment Case No. 117 of 2012 to its logical conclusion, if it has not already been concluded, within a period of three months from the date of production/receipt of a copy of this order, after giving due opportunity of hearing to all affected persons, in accordance with the provisions of the Bihar Public Land Encroachment Act.

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

(Dinesh Kumar Singh, J)

Amrendra/-

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