

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6333 of 2016

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Dr. Syed Salahuddin Ahmad S/o Syed Manzoor Ahmad R/o
Dariyapur Kafeen , PS Kurhani, O.P Turki District Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector Muzaffarpur
3. The Block Development Officer, Kudhani District Muzaffarpur.
4. The Circle Officer - Kudhani District Muzaffarpur.
5. The Senior Superintendent of Police, Muzaffarpur.
6. The Dy.S.P. (West) Muzaffarpur.
7. The S.H.O. Kudhani, Police Station.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Syed Arshad Alam, Adv
Mr. Anjum Parveen, Adv

For the Respondent/s : Mr. Mahtab Alam, A.C. to S.C-20

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-09-2018

By way of this petition under Article 226 of the
Constitution of India, the petitioner has prayed for an
appropriate direction, directing the respondents to
remove the encroachment from the public land
pertaining to Khata No. 511, Khesra No. 2668 and



Khesra No. 2728 situated in Village-Dariyapur Kafeen,
P.S.-Kudhani, District-Muzaffarpur.

It is the case of the petitioner that despite the order passed in Encroachment Case No. 02 of 2014-15, which has been affirmed by the Appellate Authority as far back as in the month of November, 2015, the encroachment has not been removed till date.

The learned counsel appearing for the respondent Circle Officer has stated that after the order was passed in the Encroachment Case No. 02 of 2014-15, the Circle Officer had requested for assistance of Police force to remove the encroachment. It is stated that the order passed in Encroachment Case No. 02 of 2014-15 shall be complied with and the encroachment shall be removed within a period of three weeks from today.

Having heard the learned counsel for the respective parties, as it is reported that the final order has been passed in Encroachment Case No. 02 of 2014-



15 and even the appeal has been dismissed as far back as in the month of November, 2015, the appropriate authority is bound to remove the encroachment from the public land.

Under the circumstances, we dispose of the present petition by directing the respondents to remove the encroachment as per the order passed in Encroachment Case No. 02 of 2014-15, which is reported to be affirmed by the Appellate Authority within a period of three weeks from today, however after giving notice to the concerned encroachers to remove the public land within a period of seven days.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
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