

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2885 of 2016

In

Civil Writ Jurisdiction Case No.4334 of 2016

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Md. Salahuddin Son of Abdul Sakur Miyan Resident of Village- Pachhatti,
P.S- Bodhgaya, Distt- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Kumar Ravi, District Magistrate, Gaya.
3. Sri Shailendra Kumar, Circle Officer, Bodhgaya, Gaya.
4. Sri Naresh Prasad, Officer-in-Charge, Bodhgaya, Police Station, District-
Gaya.
5. Sushil Kumar, Executive Officer, Nagar Panchayat, Bodhgaya, District –
Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr.

For the Respondents : Mr. Anjani Kumar, AAG-4

Mr. Shailendra Kumar, Advocate.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-10-2018

1. The present application is called out twice today.
On both the occasions, learned counsel for the applicant has
chosen to remain absent.

1.2. Under the circumstances as the present
application is of the year 2016 it is proceeded further *ex parte*.

2. The present application has been preferred by the
applicant herein making grievance of non-compliance of the
order passed by this Court on 04.04.2016 passed in C.W.J.C.
No. 4334 of 2016, by which the Division Bench of this Court



disposed of the said writ petition directing the District Magistrate, Gaya to act in accordance with law, keeping in view the observations made by the Division Bench of this Court in the case of Sanjay Jha Vs. The State of Bihar and Others, reported in 2016 (1) PLJR 248.

3. It appears that the dispute is with respect to the encroachment made by the private respondents in C.W.J.C. No. 4334 of 2016. It is alleged that despite the direction issued by this Court in C.W.J.C. No. 4334 of 2016, no further steps are taken to remove the encroachment. However, it is reported that against the order passed by the Circle Officer in the encroachment case an appeal is pending.

4. Under the circumstances, we dispose of the present application with a direction to the District Magistrate, Gaya to finally decide and dispose of the appeal within a period of four weeks from today and thereafter take further steps in accordance with law, more particularly considering the provisions of the Bihar Public Land Encroachment Act, 1956.

5. With this, the present application stands dismissed.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.10.2018
Transmission Date	25.10.2018

