

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2175 of 2017

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Hiralal Prasad, S/o- Late Debnandan Sah, Resident of Village- Kundwa,
P.S.- Barharia, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The District Magistrate- cum-Collector, Siwan.
3. The Sub-Divisional Officer, Siwan.
4. The Dy. Collector Land Reforms, Siwan.
5. The Circle Officers, Barharia, Siwan.
6. Samsad Miya, S/o- Late Abdul Miya.
7. Ali Imam Miya, S/o- Samsul Miya.
8. Subuktara, W/o- Kyamuddin Miya, All resident of Village- Kundwa, P.S.-
Barharia, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhakar Singh, Adv.
For the Respondent/s : Mr. Sajid Salim Khan, SC 25

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 20-08-2018

Heard Mr. Prabhakar Singh, learned counsel for the
petitioner and Mr. Wasi Ahmad, learned AC to SC 25 for the
respondent-State.

In view of the nature of order this Court intends to pass,
this Court is neither inclined to adjourn the matter, nor inclined to
issue notice to private Respondent Nos. 6 to 8.

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. 120, Survey No.
709, situated at Village Kundwa, P.S. Badhariya, District Siwan.



It is submitted by learned counsel for the petitioner that the land in question is recorded in Khatiyā as 'Gairmajarua Aam' and 'Satibad', which is being used by public at large for the purpose of worship, but the same has been encroached upon by private Respondent Nos. 6 to 8.

Mr. Wasi Ahmad, learned AC to SC 19 submits that for removal of the encroachment from the land in question, a proper proceeding, being Encroachment Case No. 08 of 2016-17, has been initiated and during the said proceeding, the report from Halka Karamchari has also been received. Statement to that effect has been made in paragraph no.6 of the counter affidavit. Though, the said proceeding has not been concluded till date, but the same will be taken to its logical conclusion within a time frame.

Considering the present stand of learned counsel for the respondent State, it is expected from Respondent No.5, the Circle Officer, Barharia to take the proceeding of Encroachment Case No. 08 of 2016-17 to its logical conclusion within a period of two months from the date of receipt/production of a copy of this order, after giving due opportunity of hearing to all affected persons including the petitioner and private Respondent Nos. 6 to 8, in accordance with the provisions of the Bihar Public Land Encroachment Act, 1956.



Accordingly, with the above observations and directions,
the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/Deepak/-

AFR/NAFR	
CAV DATE	
Uploading Date	/...../2018
Transmission Date	

