

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6976 of 2016

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1. Chandramauleshwar Mishra Son of Late Chandra Kripal Mishra,
Resident of village- Louria, Mishra Tola, P.S.- Louria, District- West
Champaran, Bettiah

.... Petitioner/s

Versus

1. The State of Bihar, through the Collector, West Champaran, Bettiah
2. The Deputy Collector, Land Reforms.
3. The Sub-Divisional Officer, Nerkatiaganj, District- West Champaran,
Bettiah
4. The Circle Officer, Louria, District- West Champaran, Bettiah
5. The Officer-in-Charge of Louria Police Station, Louria, District- West
Champaran, Bettiah
6. Bhim Sah, son of Late Brijbihari Sah, Resident of village- Mishra Tola,
Louria, P.S.- Louria, District- West Champaran, Bettiah
7. Shankar Sah, son of Late Kashi Sah, Resident of village- Mishra Tola,
Louria, P.S.- Louria, District- West Champaran, Bettiah
8. Rameshwar Sah, son of Late Mukhlal Sah, Resident of village- Mishra
Tola, Louria, P.S.- Louria, District- West Champaran, Bettiah
9. Chandeshwar Sah, Son of Late Jamuna Sah, Resident of village- Mishra
Tola, Louria, P.S.- Louria, District- West Champaran, Bettiah
10. Birendra Sah, Son of Late Brijbihari Sah, Resident of village- Mishra
Tola, Louria, P.S.- Louria, District- West Champaran, Bettiah

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. R.C. Sinha.

Mr. Rakesh Ranjan

For the State : Mr. Sumant Kumar Singh AC to GA- 2

For Private Respondents : Mr. Ratan Kumar Sinha.

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

4 15-02-2018 Learned counsel for the petitioner is permitted to make

necessary correction in the main writ application.

Heard Mr. Ashish Kumar Sinha, learned counsel for the

petitioner, Mr. Sumant Singh AC to GA-2 for the State and Mr.

Ratan Kumar for respondents No. 6 to 10.



The present writ application has been filed for a direction to the respondents-authorities to get encroachment removed from the land appertaining to Khata No. 5 bearing Plot No. 951 measuring total area 1.29 acre under Mouza- Mishra Tola, Police Station-Louriya, Thana No. 432, District-West Champaran.

I.A. No. 528 of 2016 has been filed for modification to the extent that the area of the land in question was given as 1.29 acres instead of 5.25 decimals of land which has been encroached upon by the respondents.

Considering the formal nature of the amendment and the same not being opposed by the learned counsel for the respondents, the same is allowed.

Counsel for the petitioner submits that at present he is confining his prayer for conclusion of proceeding of encroachment Case No. 06 of 2014 within a time frame.

Learned AC to GP-2 however submits that he is not having any instruction with regard to the stage of encroachment proceeding. However, counsel for respondent Nos. 6 to 10 submits that they have received the notice issued in Encroachment Case No. 6 of 2014. Moreover, the respondents are residing on the land in question since last several decades and have made application for settlement of the part of the plot on which, they are residing.



Having heard learned counsel for the parties, without expressing any opinion with regard to the claim and counter claim of the parties over the land in question, in view of the confined prayer of the petitioner, this court directs the Circle Officer, Louriya (respondent No. 4) to conclude the proceeding of Encroachment Case No. 6 of 2014 within a period of three months after giving due opportunity of hearing to all the affected persons including respondents No. 6 to 10 in accordance with the provisions of Bihar Public Land Encroachment Act, 1956.

Accordingly, this writ application is disposed off.

(Dinesh Kumar Singh, J)

A.K.V./-

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