

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3629 of 2018

In
Civil Writ Jurisdiction Case No.15518 of 2018

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Surya Narayan Yadav

... .. Petitioner/s

Versus

The State Of Bihar & Ors

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Adv.

For the Respondent/s : Mr. Md. Khurshid Alam, AAG-12

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-10-2018

Heard.

The present miscellaneous jurisdiction application has been filed for modification of the order dated 07.08.2018, passed in CWJC No. 15518 of 2018 to the extent that Respondent No.5 has been mentioned as “Circle Officer, Fulparas, in stead of ‘ Circle Officer, Laukahi as well as the place where the land in question is situated has also been recorded as ‘Circle -Fulparas’ in place of ‘Circle -Laukahi’.

The said mistake perpetuated in the order since it was wrongly mentioned in the main petition.

Learned counsel for the petitioner is permitted to make necessary correction in the main petition.

In the circumstances, the order dated 07.08.2018 is modified to the extent that let Respondent No.5 be read as



‘Circle Officer, Laukahi’ in place of ‘Circle Officer, Fulparas’ and the land in question is situated in ‘Circle -Laukahi’ in place of ‘Circle-Fulparas’.

Since by the order aforementioned, the petitioner was permitted to submit a representation before the Respondent No.5, giving details of the land in question from where the encroachment has been sought to be removed within a period of two weeks from the date of receipt/production of a copy of this order, whereupon, it is expected from the Circle Officer, to examine the revenue records and if need be, to conduct spot verification, if it appears to him that public road/land has been encroached upon, then he will initiate a proceeding forthwith with regard to the land in question in accordance with the provisions of the Bihar Public Land Encroachment Act, 1956, if it has not already been initiated and will take such proceeding to its logical conclusion within a period of three months thereafter, by giving due opportunity of hearing to all affected persons, including Private Respondent Nos. 7 to 14 and the petitioner, in accordance with the provisions of the Act.

The said period of concluding the proceeding may now be calculated afresh. The petitioner is permitted to submit a representation before the Respondent No.5, the Circle Officer, Laukahi, Madhubani, within a period of



three weeks from the date of receipt of the order, giving details of the land appertaining to Old Khata No. 58 (new 165), Old Plot No.58 (new Plot No.79), Jamabandi No.58, situated in Circle-Laukahi, District-Madhubani, whereupon, it is expected from the Circle Officer, to examine the revenue records and if need be, to conduct spot verification, if it appears to him that public road/land has been encroached upon, then he will initiate a proceeding forthwith with regard to the land in question in accordance with the provisions of the Bihar Public Land Encroachment Act, 1956, if it has not already been initiated and will take such proceeding to its logical conclusion within a period of three months thereafter, by giving due opportunity of hearing to all affected persons, including Private Respondent Nos. 7 to 14 and the petitioner, in accordance with the provisions of the Act.

Accordingly, the miscellaneous jurisdiction application is disposed of.

(Dinesh Kumar Singh, J)

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