

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5669 of 2018

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Md. Sajid Anavar, Son of Late Md. Issa, Resident of Village- Chilha, P.S.-
Baheri, Distt.- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Old Secretariat, Patna.
2. District Magistrate, Darbhanga.
3. Sub-Divisional Officer, Darbhanga.
4. Circle Officer, Baheri Anchal, Darbhanga.
5. Hadi Hassan, Son of Late Aabid Hassan, Resident of village- Chilha, P.S.-
Baheri, Distt.- Darbhanga.
6. Badruddin, Son of Late Lutfur Rahman, Resident of Village- Chilha, P.S.-
Baheri, Distt.- Darbhanga.
7. Taahir Hussain, Son of Late Abdul Hamid, Resident of Village- Chilha, P.S.-
Baheri, Distt.- Darbhanga.
8. Kutubddin, Son of Late Lutfur Rahman, Resident of Village- Chilha, P.S.-
Baheri, Distt.- Darbhanga.
9. Pappu Sheikh Son of Md. Hira, Resident of Village- Chilha, P.S.- Baheri,
Distt.- Darbhanga.
10. Zahir Hussain, Son of Md. Hamid, Resident of Village- Chilha, P.S.- Baheri,
Distt.- Darbhanga.
11. Md. Ashfaq, Son of Md. Sammid, Resident of Village- Chilha, P.S.-
Baheri, Distt.- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate
For the Respondent/s : Mr. Partha Sarthi -GA-4

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 09-04-2018

In case inspite of the orders passed by the Circle
Officer under the Bihar Public Land Encroachment Act and after
final orders passed by the Circle Officer on 22.09.2015 and
encroachment is not being removed, the petitioner may submit a
representation in this regard to Respondent No. 2, the District



Magistrate concerned and the District Magistrate shall look into the matter and proceed to remove the encroachment already directed to be removed in accordance with law within a reasonable period, preferably within a period of three months. It is made clear that in case against the order of the Circle Officer appeals or proceedings are pending before the statutory authorities or judicial authorities, the District Magistrate shall be free to communicate to the same to the petitioner.

With the aforesaid, the petition stands disposed of. Removal of encroachment shall be subject to the condition that the order passed by the Circle Officer has attained finality and no proceeding are pending before any other statutory or quasi judicial authority.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	11.04.2018
Transmission Date	

