

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.78 of 2017

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Jatashankar Prasad, Son of Prabhunath Prasad, Resident of Village-Balthar,
P.O.-Bhaura, Batthar, District-West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector, West Champaran
3. The Sub Divisional Officer, Narkatiaganj, District-West Champaran
4. The Circle Officer, Sikta, District-West Champaran
5. The Superintendent of Police , West Champaran
6. The Officer-Incharge, Belthar Police Station, District-West Champaran
7. Ganesh Raut @ Ganesh Patel, Son of Late Vriksha Patel, Chaukidar Under
Balthar Police Station Resident of Village-Balthar, District-West Champaran
8. Deepak Raut @ Deepak Patel, Son of Ganesh Raut @ Ganesh Patel, Resident
of Village-Balthar, P.S. -Balthar, District-West Champaran
9. Harindra Raut @ Harindra Patel, Son of Ganesh Raut @ Ganesh Patel,
Resident of Village-Balthar, P.S.- Balthar, District-West Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajeet Kumar, Adv.
For the Respondent/s : Mr. Md. Khurshid Alam- AAG 12

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 10-08-2018

Heard Mr. Ajeet Kumar, learned counsel for the
petitioner, Mr. Harendra Prasad, learned counsel for Respondent
No.8, and Mrs. Nutan Sahay, learned AC to AAG 12 for the
respondent-State.

Though, the present writ application was registered on
09.01.2017, but till date no counter affidavit has been filed, hence,
in view of the nature of order of this Court intends to pass, this
Court is neither inclined to adjourn the matter any further nor
inclined to issue notice to private Respondent Nos. 7 and 9.



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. 7, Plot No. 964, situated in Village Balthar, District West Champaran, which is recorded in the Revenue Records as Gairmajarua Malik, which has been encroached upon by private Respondent Nos. 7 to 9.

Learned counsel for the petitioner submits that though this is not in dispute that for removal of the encroachment from the land in question, a proper proceeding under the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act') being Encroachment Case No. 349 of 2012-13, has been initiated, but the said proceeding has not been taken to its logical conclusion till date. Hence, he confines his prayer only to the extent for conclusion of the said proceeding.

Learned counsels for Respondent No.8 and respondent-State have no objection to such prayer of the petitioner.

In the circumstances, it is expected from Respondent No. 4, the Circle Officer, Sikta to take the proceeding of Encroachment Case No. 349 of 2012-13 to its logical conclusion, if it has already not been concluded, 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. 7 to 9, in accordance with the provisions of the Act.

Accordingly, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

