

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7627 of 2018

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Lal Babu Singh, Son of Late Jagdish Singh, Resident of Village- Indauli, P.S.
Jamo Bazar, Marachi, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Collector, Siwan.
3. The Additional Collector, Siwan.
4. The Deputy Collector, Land Reforms, Maharajganj, Siwan.
5. The Circle Officer, Lakdi Navi Ganj, Siwan.
6. Chhatu Ram, Son of Vijadhar Ram.
7. Ramadhar, Son of Vijadhar Ram.
8. Bacha Ram, Son of Vijadhar Ram.
9. Maya Ram, Son of Bandhu Ram.
10. Baharan Ram, Son of Maya Ram.
11. Surendra Singh, Son of Late Bhagat Singh.
12. Virendra Singh, Son of Late Bhagat Singh.
13. Bharat Singh, Son of Jagnarayan Singh.
14. Raghunath Singh, Son of Jagnarayan Singh.
15. Baliram Singh, Son of Late Gorav Singh.
16. Dhup Singh, Son of Ramayan Singh.

All Resident of Indauli, P.O.- Zamo Bazar, Anchal- Lakdi Navi Ganj, District-
Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kaushik, Adv.
For the Respondent/s : Ms. Sanghmitra Ghosh, AC to GP-15

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date : 10-05-2018

Heard learned counsel for the petitioner and learned



AC to GP-15, appearing for the respondents.

The present writ application has been filed for a direction to the respondent authorities to take the proceeding of Encroachment Case No.03 of 2017-18 to its logical conclusion to get the encroachment removed from the public land appertaining to Tauzi No.1689, Thana No.64, Khata No.36, situated in Village- and Mauza-Indauli, District- Siwan. The land in question is a 'Gair Mazarua Aam Rasta'.

It is submitted by learned counsel for the petitioner that the petitioner got the landed property appertaining to Khata No.3, Survey Plot No.236, Thana No.64, Tauzi No.1689, admeasuring an area 10 Katha and 17 dhur and the 'Gair Majarua Aam Rasta' is appertaining to Tauzi No.1689, Thana No.64. The petitioner earlier submitted an application before the respondent no.5, the Circle Officer, Lakdi Naviganj, for removal of encroachment, but no action has been taken. Hence, the petitioner submitted an application before the respondent no.4, the DCLR, Maharajganj, on 09.10.2017, which was forwarded to the respondent no.5, the Circle Officer, Lakdi Naviganj by the DCLR vide letter no.579 dated 31.10.2017, as contained in Annexure- P1 series. Thereafter, the petitioner submitted an application before the respondent no.2, the Collector, Siwan, on



21.09.2017 and in pursuance to the said application, the Collector directed the Circle Officer, vide Letter No.3641, dated 30.10.2017 to enquire into the matter and take necessary action, as contained in Annexure-P2 series. Subsequently, the Circle Officer initiated Encroachment Case No.03 of 2017-18, wherein, vide order dated 17.11.2017, the Revenue Karamchari and the Circle Inspector were directed to submit enquiry report. Thereafter, notices were issued vide order dated 06.12.2017, but till date neither the encroachment proceeding has been taken to its logical conclusion, nor the encroachment has been removed from the land in question. Hence, the present writ application.

Ms. Sanghmitra Ghosh, learned AC to GP-15 submits that at present, she is not having any instruction whether the proceeding of Encroachment Case No.03/2017-18 has been concluded or not, but if it has not already been concluded, the same will be concluded within a time frame.

In the circumstances, it is expected from the respondent no.5, the Circle Officer, Lakdi Navi Ganj, Siwan, to take the proceeding of Encroachment Case No.03/2017-18 to its logical conclusion, after giving due opportunity of hearing to all affected persons, to whom notice has already been issued, within a period of three months, after receipt/production of a



copy of this order, in accordance with the provisions of the Act.

Accordingly, the writ application is disposed of.

Ashwini/-

(Dinesh Kumar Singh, J)

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

