

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19285 of 2017

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Kanhaiya Kumar Chaudhary, Son of Pawan Kumar Chaudhary, Resident of
Sihma, P.O.-Sihma Chakka, P.S.-Chourahi, District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Begusarai.
3. The Circle Officer, Khodawanpur, Chaurahi, Manjhaul, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, 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 : 09-05-2018

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 for getting the
encroachment removed from the public land situated in
Singhma, running from Singhma Chauk to Brahm Asthan.

Since a proper proceeding under the Bihar Public
Land Encroachment Act, 1956 (hereinafter referred to as the
'Act') has already been initiated, learned counsel for the
petitioner confines his prayer only to the extent of a direction to
get the proceeding of Encroachment Case No.03/2017-18 be
concluded, keeping in view the measurement report of the
Anchal Amin, dated 01.07.2017, as contained in Annexure-1



series, whereby, it has been found that the public land has been encroached upon.

It is submitted by learned counsel for the petitioner that finding the encroachment over the land in question, a proper proceeding has been initiated, but it is pending since 2017. Hence, the same may be directed to be concluded forthwith.

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.3, the Circle Officer, Khodawanpur, Chaurahi, 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, wherein, 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.

It is made clear that any notice issued to the petitioner earlier in the aforesaid encroachment proceeding will not preclude the respondent no.3, the Circle Officer, Khodawanpur



to issue fresh notice to him.

Accordingly, the writ application is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

