

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13078 of 2018

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Harihar Prasad, son of Late Dwarika Prasad, resident of Village-Misrauliya,
P.S. Majhagarh, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land
Reforms Department, Govt. of Bihar, Patna.
2. The District Magistrate-cum-Collector, Gopalganj.
3. The Sub Divisional Officer, Gopalganj.
4. The Anchal Adhikari, Majhagarh Anchal, District-Gopalganj.
5. Shivji Mahto, son of Late Bholi Mahto, resident of Village-Misrauliya,
P.S.-Majhagarh, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Md. Anisur Rahman
For the Respondents : Mr. Rishi Raj Sinha – Sc-19
Mr. Saurabh Kumar, AC to SC-19

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-09-2018

By way of this petition, the petitioner has prayed
for an appropriate writ/direction/order directing the
respondents to remove encroachment made by respondent
no. 5 from the land pertaining to Khata No. 85 and Khesra
No. 252 situated in Village – Misrauleya, P.S. - Majhagarh,
District – Gopalganj.



A supplementary counter affidavit is filed by the respondent no. 4, Circle Officer, Majhagarh, Gopalganj in which it is specifically stated and admitted that the respondent no. 5 has made encroachment on the public land. He has stated that final order under the provisions of the Bihar Land Encroachment Act under sub-section-2 of Section 6 of the Act shall be passed after giving an opportunity to all concerned including the respondent no. 5 and thereafter further steps shall be taken in case the final order is passed against the respondent no. 5 and the same is not implemented by the respondent no. 5.

In view of the above, we dispose of the present petition by directing the respondent no. 4 to pass a final order under the provisions of the Bihar Public Land Encroachment Act, 1956 within a period of four weeks from today, however, after giving an opportunity to all concerned, including respondent no. 5, and in case thereafter any order is passed in the encroachment case and the same is not implemented and complied with the



Circle Officer to take further steps to remove the encroachment, however after following due procedure, as required. However, the aforesaid exercise shall be completed within a period of six weeks from today.

With the aforesaid, the present petition is disposed of.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.09.2018
Transmission Date	17.09.2018

