

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9262 of 2018

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Sanjay Kumar, Son of Late Ramesh Prasad Singh, Resident of Village-
Nima, Police Station- Dhanarua, District of Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Sub Divisional Officer, Masaurhi in the District of Patna.
4. The Circle Officer, Masaurhi in the District of Patna.
5. The Officer In-Charge, Dhanarua Police Station in the District of Patna.
6. Umesh Sharma, Son of Late Parshuram Sharma, Resident of Village- Nima,
Police Station- Dhanarua in the District of Patna.
7. Manish Kumar, Son of Late Suresh Sharma, Resident of Village- Nima,
Police Station- Dhanarua in the District of Patna.
8. Bhola Sharma, Son of Late Ragho Sharma, resident of Village- Nima, Police
Station- Dhanarua in the District of Patna.
9. Abhiram Sharma, Son of Late Indradeo Singh, resident of Village- Nima,
Police Station- Dhanarua in the District of Patna.
10. Chandar Bhushan Sharma, Son of Late Binda Singh, Resident of Village-
Nima, Police Station, Dhanarua in the District of Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Prasad Singh, Sr. Adv.
For the Respondent/s : Mr. Raj Kishore Roy -GP-18

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date : 18-06-2018

Heard Mr. Akhileshwar Prasad Singh, learned Sr. Counsel
appearing on behalf of the petitioner and Mr. Raj Kishore Roy,
GP-18, appearing on behalf of the Respondent State.

The nature of order this Court intends to pass, does not
require issuance of notice to the private Respondent nos.6 to 10.

The present Writ application has been filed for a direction
to the Respondent authorities to get the encroachment removed



from the public road appertaining to Plot No.1475, situated in Village-Nima, P.S.-Dhanarua, District- Patna.

It is submitted by learned counsel appearing on behalf of the petitioner that the land in question is a public road, but the same has been encroached upon by Respondent nos.6 to 10. Despite representations made to the authorities concerned, when no action was taken, then ultimately the petitioner filed compliant before the Sub-Divisional Public Grievance Redressal Officer, Masaurhi, Patna, and the same was disposed of vide order dated 08.08.2016, as contained in Annexure-1. Since the encroachment proceeding being Encroachment Case No.3 of 2016-17 was already initiated, but the said proceeding has not been concluded till date, despite the order dated 29.05.2017, passed by the Sub-Divisional Grievance Redressal Officer, Masaurhi, Patna, as contained in Annexure-3, directing the Respondent no.4, the Circle Officer, Dhanarua to conclude the same within a period of one month. Hence, the present writ application.

It is submitted by learned GP-18 that, at present, he is not having any instruction whether the Encroachment Case No.3 of 2016-17 has been concluded or not, but if it has not been concluded, the same will be concluded within a time frame.



Having heard learned counsel for the parties, it appears that though an encroachment proceeding has been initiated, but there is nothing on record to suggest that it has been taken to its logical conclusion.

In the circumstances, Respondent no.4, the Circle Officer, Masaurhi, is expected to conclude the proceeding of Encroachment Case No.03/2016-17 by taking the said proceeding to its logical conclusion within a period of three months, after giving due notice of hearing to all the affected persons, including the petitioner and the Respondent nos. 6 to 10.

The Writ application is, accordingly, disposed of with the aforementioned observation and direction.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

