

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2809 of 2018

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Pramod Kumar Thakur Son of Late Sonelal Thakur Resident of Mohiuddin
Nagar South, P.O. and P.S. Mohiuddin Nagar, Distt - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Land Revenue, Govt. of Bihar,
Patna.
3. Divisional Commissioner, Darbhanga.
4. District Magistrate, Samastipur.
5. Sub Divisional Officer, Patori, Samastipur.
6. Circle Officer, Mohiuddin Nagar, Samastipur.
7. Dhruv Narayan Sah
8. Narendra Prasad Sah
9. Surendra Sah
10. Birendra Prasad Sah
11. Sanjiv Sah @ Munna Sah All sons of late Lakshmi Narayan Sah
12. Baldev Prasad Sah son of Late Ganga Sah All residents of Mohiuddin Nagar
South P.O. and P.S. Mohiuddin Nagar, Dist - Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjai Kumar Singh
For the Respondent/s : Mr.Anil Kumar Sinha -Gal

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

2 10-05-2019 Heard learned counsel for the parties.

An encroachment case initiated for removal of
alleged encroachment of a public land situated in Mauza
Mohiuddin Nagar, Thana No.198, New Khata No. 1610, Khesra
No.3331, Area 15 Khatha and 3 dhurs as well as the land falling
under Khata No. 1611, Khesra No. 3098(New), Area 15 dhurs



and the land falling under Khata No. 539, Khesra No. 3333, Old Khata No. 646, Khesra No. 2470, area 6 katha and 9 dhurs stated to have been allegedly encroached by the private respondent, not ended, has led to the filing of the present writ petition. While making such complaint, the petitioner does admit that a Title Suit No. 45 of 2015 has been preferred by the alleged encroachers which is pending before the Civil Judge, Senior Division, Sahpur, Patori, Samastipur. It is because neither the suit is proceeding nor the encroachment case is taken to its logical conclusion that this writ petition is filed.

The pleading on record would confirm that the petitioner had earlier also moved in C.W.J.C. No. 8681 of 2015 but the writ petition was permitted to be withdrawn with liberty to approach in future, if so advised. The petitioner after disposal of the writ petition moved the Circle Officer making reference to the direction of this Court but since the said application remained pending since 18.04.2016 hence he has returned to this Court.

For the present, we while taking notice of the pending encroachment case as well as the title suit, would leave it at the wisdom of the Circle Officer, Mohiuddin Nagar, Samastipur to take the encroachment case to its logical



conclusion within a period of 3 months of receipt/production of copy of this order unless, there is any order passed in the pending Title Suit No. 45 of 2015 which precludes him or restrains him from doing so.

With the observations, the writ petition is disposed of.

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

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