

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2855 of 2017

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Sri Bhagwan Patel son of Late Makun Patel, Resident of Village- Paharpur,
P.S.- Barharia, Abchal Barharia, District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Additional Collector, Siwan.
3. The Sub-Divisional Officer, Siwan.
4. The Circle Officer, Anchal Barharia, District- Siwan.
5. The Acnchal Amin, Barharia, District- Siwan.
6. The Halka Karmchari, Barharia, District- Siwan.
7. Biresh Yadav, son of Late Sundardeo Yadav @ Sundardeo Choudhary,
8. Raju Yadav, son of Late Sundardeo Yadav @ Sundardeo Choudhary, Both
resident of Village- Paharpur, P.S.- Barharia, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Naresh Prasad
For the Respondent/s : Mr.Rishi Raj Sinha-Sc19

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 07-05-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Learned counsel for the petitioner, with reference to
the order dated 10.9.1998, as contained in Annexure-4, submits
that the order of cancellation of settlement in Settlement Case
No. 17/1987-88 was set aside and as a consequence of
cancellation of settlement the private respondents have become
encroachers over the public land.

Learned counsel for the petitioner admits that no
regular case has been registered for removal of encroachment



over the public land under the provisions of the Bihar Public Land Encroachment Act.

Considering the aforesaid, the writ petition is disposed of with liberty to the petitioner to approach the Circle Officer, Barharia, Siwan under the Bihar Public Land Encroachment Act, who shall register a regular case and after registering the case, the Circle Officer shall hear all stakeholders including the encroachers and thereafter determine the encroachment over public land and pass appropriate order for removal of the encroachment, if any on the public land in accordance with law. The entire exercise in this regard must be completed within a period of six months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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