

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2686 of 2019

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Gilman Ahmed, aged about 48 years, Gender:- Male, son of Md. Idrish @
Md. Idrees, resident of Village :- Bardaha, P.S- Bisfi (O.P Patauna), District-
Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Revenue Department, Government of Bihar, Patna.
2. The Secretary, Land Reforms, Government of Bihar, Patna.
3. The Deputy Collector, Land Reforms, Sadar Madhubani, District- Madhubani.
4. The Collector, Madhubani, District- Madhubani.
5. The Additional Collector, Madhubani, District- Madhubani.
6. The Sub-Divisional Officer, Benipatti, District. Madhubani.
7. The Circle Officer, Circle Bisfi, District- Madhubani.
8. Asraf Ali, son of Late Tamijur Rahman, resident of Village – Bardaha, O.P- Bardaha, P.S - Bisfi, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Subhash Kumar Jha, Adv.
For the Respondent/s	:	Mr. Anil Kumar Sinha, GA-1.
For the Respondent No.8:	:	Mr. Alok Ranjan, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 12-03-2019

Heard the parties.

This Public Interest Litigation was filed because the Circle Officer as a Collector under the Bihar Public Land Encroachment Act, according to the petitioner, was not discharging his obligations for removal of encroachment on a public land situated in Mauza- Bardaha, Thana No. 147, Khata No. 600, Khesra No.918 in the district of Madhubani.

On being put to notice that a counter affidavit has been filed



on behalf of the State in which it is stated that final orders have been passed in the encroachment case bearing Encroachment Case No.13 of 2017-18 and the Circle Officer, Bisfi in fact had sought administrative support for removal of the encroachment when the respondent no.8 who has registered appearance through counsel Mr. Alok Ranjan, moved this Court in CWJC No.23886 of 2018 to question the order passed by the Circle Officer in the encroachment case and it is for this reason that further actions have been put on hold. The counter affidavit further informs that a suit has also been filed by one Asgar Ali in the court of Sub-Judge, Benipatti bearing Suit No.121 of 2018.

In such view of the matter, we are not persuaded to continue with this litigation which has been filed in public interest and the petitioner, if so advised, can appear in the pending writ petition filed by the respondent no.8 to contest the matter.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Anjula/skpathak

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.03.2019
Transmission Date	NA

