

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6087 of 2018**

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Bambam Kumar Son of Lalan Sah, Resident of Village-Kulharia, P.S. Parbatta. District-Khagaria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Divisional Commissioner, Munger.
3. The District Magistrate, Khagaria.
4. The Sub-Divisional Magistrate, Gogri, Khagaria.
5. The Circle Officer, Parbatta, Khagaria.
6. The Officer-in-Charge, Parbatta Police Station, Khagaria.
7. Mantu Tiwari, Son of Nandev Tiwari.
8. Ajay Kumar Ranjan, Son of Tarni Prasad Chaurasiya.
9. Munna Tiwari, Son of Ram Chandra Tiwari.
10. Vinod Mistri, Son of Baiju Mistri.
11. Tare Mistri, Son of Mukund Mistri.
12. Pawan Kumar, Son of Sadanand Mistri
13. Satish Tiwari, Son of Makhan Tiwari.
14. Jaibu Tiwari, Son of not Known.
15. Rajo Sao, Son of Banarsi Sao.
16. Sahdeo Tiwari, Son of Dahu Tiwari.
17. Mithilesh Poddar, Son of Prabhag Poddar. All Resident of Village-Kulharia, P.S. Parbatta, District-Khagaria.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Gaurav Govind  
For the Respondent/s : Mr.Anil Kr.Sinha-Ga1

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**  
**and**  
**HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)**

**Date : 19-07-2019**

Heard learned counsel for the parties.

The complaint of the petitioner is that the private



respondent nos. 7 to 17 have encroached over the public land. Nature of the land bearing survey plot no. 1207, Khata No. 201, Thana no. 362, Mauja- Kulharia, District- Khagaria.

Mr. Gaurav Govind, learned counsel for the petitioner makes reference to a representation filed before the Circle Officer making such a complaint, a copy of which is at Annexure-2 and has been received in office on 21.12.2017. It is stated by Mr. Govind in reference to the order of this Court passed in CWJC No. 18992 of 2015 that this petitioner had earlier approached this Court, making complaint against the respondent Rajendra Tiwari over the same plot of land which has given rise to Encroachment Case No. 02 of 2015-16. He submits that although such case was initiated for removal of encroachment over the same piece of land and even when the order for removal of encroachment committed by Rajendra Tiwari was passed, but no step was taken by the Circle Officer, Parbatta to ensure the removal of encroachment in its entirety and which allowed the private respondent to continue.

Since there is no counter affidavit on record, we are not in a position to know the correct position as to whether the private respondents have made encroachment on land in question and in case, answer is in affirmative, as to why the



Circle Officer, Parbatta, Khagaria, the respondent no. 5, while registering Encroachment Case No. 02 of 2015-16, has failed to take steps for removal of the encroachment made by the private respondent.

In such view of the matter, we dispose of the writ petition with a direction to the Circle Officer, Parbatta, Khagaria, respondent no. 5 to consider the grievance raised by the petitioner at Annexure-2 as noted above and dispose the same, with an opportunity of hearing to the complainant and the alleged encroachers, who are the private respondents in this writ petition. Since the Circle Officer, Parbatta, Khagaria has already registered Encroachment Case No. 02 of 2015-16 for removal of encroachment on the plot in question, let the same be taken to its conclusion within a period of 6 months from the date of receipt of production of a copy of this order.

With the above observation, we dispose of the writ petition.

**(Jyoti Saran, J)**

**( Partha Sarthy, J)**

sushma/-

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