

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13730 of 2016

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Bhim Sen Khatik @ Bhim Sen Kumar Son of Sri Ram Chandra Khatik
Resident of village - Shastri Nagar, P.O. and P.S. Bagaha - 1, District - West
Champanan Petitioner/s

Versus

1. The State of Bihar
2. The L.R.D.C., Bagaha at Bagaha - 2, District West Champanan
3. The Circle officer, Bagaha - 1, Block P.S. Bagaha, District West Champanan
4. Firoz Ansari S/o Sadik Mian Resident of Village - Shastri Nagar, P.S.
Bagaha - 1, District - West Champanan
5. Sadik Mian Son of Late Bunela Mian Resident of Village - Shastri Nagar,
P.S. Bagaha - 1, District - West Champanan

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Abhitabh Kumar
For the Respondent/s : Mr.Sajid Salim Khan- Sc25

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 06-05-2019 Learned counsel for the petitioner submits that

similar matter was disposed of vide order dated 30.4.2019 and

as such this matter may also be disposed of in the same line.

Considering the aforesaid submission, the present

application is disposed of in terms of order passed in C.W.J.C.

No. 18992 of 2013 which reads as follows:-

**“The petitioner is aggrieved by the
inaction on the part of the respondents for not
removing the encroachment over the public
land.**

**Learned counsel for the petitioner
submits that the Circle Officer, Bagaha, West
Champanan has already passed order of
removal of the encroachment but till date the
encroachment has not been removed.**

Learned counsel for the private



respondent submits that on account of the fact that title suit between the parties is already pending, the encroachment could not be removed.

Without going into the aforesaid aspect of the matter, the writ petition is disposed of with liberty to the petitioner to file petition in prescribed form for registering a regular case and if such petition is filed by the petitioner, the Circle Officer, Bagaha, West Champaran shall register a case for removal of encroachment after hearing all concerned including the encroachers pass appropriate order on the following issues:

(a) Whether the land in question is public land, and

(b) whether there is encroachment over the public land.

The Circle Officer, Bagaha, West Champaran will give notice to the encroachers for removal of the encroachment and after hearing them pass necessary order for removal of encroachment.

With the aforesaid, the writ petition stands disposed of.”

(Anil Kumar Upadhyay, J)

Ravi/-

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