

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1399 of 2019

In
Civil Writ Jurisdiction Case No.10094 of 2018

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Hargovind Singh Himkar in short H.S. 'Himkar' Advocate Patna High Court,
Son of Late Ramashish Singh, Permanent resident of Village- Khopi, Gram
Panchayat Raj Khopi Bishunpur, Police Station- Jandaha, District- Vaishali at
Hajipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate -cum- Collector, Vaishali at Hajipur.
2. Rajiv Raushan, the District Magistrate-Cum- Collector, Vaishali at Hajipur.
3. Yogendra Prasad Singh, Circle Officer, Circle- Jandaha, District- Vaishali at Hajipur.
4. Sona Paswan @ Sone Lal Paswan, S/o Late Mira Paswan, Resident of Village- Khopi, Gram Panchayat Raj Khopi Bishunpur, P.S. Jandaha, District- Vaishali at Hajipur.
5. D.C.L.R., Mahua, Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. H.S. Himkar (in person)
		Mr. Siddhartha Prasad, Adv.
For the Opposite Party/s :		Mr. Arun Kumar Bhagat, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT

Date : 31-07-2019

The complaint of encroachment made by the petitioner who appears in person is upheld by the Circle Officer, Jandaha in purported exercise of powers vested under the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as 'the Act') but in between this period the encroacher approached the Collector for settlement of the land coming under the weaker section, which was acted upon and referred to the Circle Officer, Jandaha who has



referred the matter to the Deputy Collector Land Reforms, Mahua (hereinafter referred to as the 'DCLR') for appropriate order along with his recommendations, a copy of which letter bearing No.630 dated 20.05.2019 is at Annexure 'E' series to the supplementary show cause filed today.

Paragraph 12 of the supplementary show cause filed on behalf of the Circle Officer, Jandaha today informs that since a process of settlement of the alleged encroacher has been initiated that the process of removal has been suspended until a final decision on settlement takes place and no sooner a decision in this regard would be coming from the Deputy Collector Land Reforms, Mahua that he would take steps for removal in case the encroacher yet defaults.

Since steps have been taken by the Circle Officer, Jandaha in the process of compliance of the order of this Court even if it has not been done in letter and spirit considering the extraordinary circumstances that arise in the present case where the application of the encroacher for settlement of the land is pending for consideration, I would grant liberty to Mr. H.S. Himkar to implead the Deputy Collector, Land Reforms, Mahua as opposite party to the present proceeding because the compliance of the order of this Court is half way through by reason of pendency



of the settlement matter before the ‘DCLR’ who is accordingly directed to conclude the matter in accordance with law within two weeks of receipt/production of a copy of this order.

With the observation above and allowing the ‘DCLR’, Mahua to conclude the proceedings as well as the Circle Officer, Jandaha to abide by his undertaking present at paragraph 12 of the supplementary show cause filed today, I dispose of this contempt application with the liberty to the petitioner to return to this Court if the cause so arises.

The contempt application is accordingly disposed of.

Let a copy of this order be handed over to Mr. Arun Kumar Bhagat, learned Assisting Counsel to Additional Advocate General No.12 for the needful action at the end of the ‘DCLR’, Mahua.

(Jyoti Saran, J)

skpathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.08.2019
Transmission Date	NA

