

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7439 of 2017

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Uday Singh son of Late Shyam Bihari Singh, resident of Village- Tarwan,
Post Office- Suietha, P.S.- Parsa Bazar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through Collector, District-Patna
2. The Sub-Divisional Officer, Sadar, Patna.
3. The Deputy Collector, Land Reform, Sadar Patna.
4. The Circle Officer, Phulwari Anchal, District- Patna.
5. The Station House Officer, Parsa Bazar P.S. District- Patna.
6. Sri Upendra Pandey,
7. Sri Akhilesh Pandey,
8. Sri Anuj Pandey, all sons of Late Nawal Pandey and resident of Village-
Tarwan, Post Office- Suietha, P.S.- Parsa Bazar, District- Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 17498 of 2017

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Ramanuj Pandey Son of late Nawal Kishore Pandey Resident of Village-
Tarwan, P.S. Parsa Bazar, District Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Collector, Patna
2. The Sub-Divisional Officer Patna Sadar, Patna.
3. The Circle officer, Phulwarishrif Circle, District- Patna.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 7439 of 2017)

For the Petitioner	:	Mr.Dilip Kumar
For the State	:	Mr. Akhilesh Kumar Sinha, AC to SC-19
For the Pvt. Respondents	:	Mr. Abhay Kumar Thakur Mr. Arvnendra Kumar Thakur Ms. Sukriti Kumari

(In Civil Writ Jurisdiction Case No. 17498 of 2017)

For the Petitioner	:	Mr.Abhay Kumar Thakur Mr. Arvnendra Kumar Thakur Ms. Sukriti Kumari
For the State	:	Ms. Sanghamitra Ghosh, AC to GP-15

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH



ORAL ORDER

4 19-09-2019 CWJC No. 7439 of 2017 has been filed, seeking removal of encroachment made by the private respondents no. 6, 7 and 8 over the Gairmazarua Aam land situated on survey plot nos. 73 and 74 under Khata No. 83, Mauza-Tarwan, P.O.-Suietha, P.S.-Parsa Bazar, District-Patna.

CWJC No. 17498 of 2017 has been filed for setting aside the notice dated 22.9.2017 issued by the Circle Officer, Phulwarisharif, District-Patna in connection with Encroachment Case No. 17/6 of 2015-16.

This Court is of the opinion that in case, there is encroachment by the private respondents over the Government land / Rasta, the Circle Officer, Phulwarisharif, District-Patna is empowered under the provisions of the Bihar Public Land Encroachment Act, 1956 to take appropriate action and accordingly the Circle Officer, Phulwarisharif, District-Patna has initiated an encroachment proceeding bearing Encroachment Case No. 17/6 of 2015-16 whereby and whereunder the petitioners of CWJC No. 17498 of 2017 have been noticed, hence, there cannot be any quarrel on the issue of maintainability of the encroachment proceedings.

Nonetheless, this Court is of the further opinion that the interest of justice would be served in case, the petitioner of



CWJC No. 17498 of 2017 is granted four weeks' time to file his objection before the Circle Officer, Phulwarisharif, District-Patna in connection with Encroachment Case No. 17/6 of 2015-16 whereafter the Circle Officer, Phulwarisharif, District-Patna shall consider the objection of the petitioner of CWJC No. 17498 of 2017 and pass the final orders under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 and only thereafter, shall take action for removal of the encroachment in question, if he comes to a final conclusion and finding that encroachment has been made by the private parties over the Government land / Rasta.

The writ petitions stand disposed of with the aforesaid observations on the aforesaid terms.

(Mohit Kumar Shah, J)

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