

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10863 of 2019

=====

Amin Singh, Son of Late Doman Singh, Resident of Village- Pawai, P.S.-
Surajgarha, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Lakhisarai.
2. The District Collector, Lakhisarai, District- Lakhisarai.
3. The Additional Collector, Lakhisarai, District- Lakhisarai.
4. The Sub Divisional Officer, Lakhisarai, District- Lakhisarai.
5. The Circle Officer, Piparia, District- Lakhisarai.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Devendra Prasad Singh, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (SC-25)

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 14-05-2019 Heard learned counsel for the petitioner and the

respondents.

2. The petitioner has filed the present writ application
for a direction to the respondent Circle Officer to initiate
encroachment proceeding over the land situated at Mauza
Pawai, Thana No. 147, Khata No. 113, Khesra No. 890, 960 and
665.

3. Learned counsel for the petitioner submits that
despite filing of application for initiating encroachment
proceeding, the Circle Officer, Piparia, Lakhisarai is sitting tight
over the matter and has neither passed any order nor registered a
regular case for removal of encroachment. He further submits



that no case pertaining to Thana No. 147, Khata No. 113, Khesra No. 890, 960 and 665 is pending in any proceeding before any forum or the Hon'ble High Court.

4. Learned counsel for the respondents submits that it appears that this petitioner has filed application for removal of encroachment and many proceedings initiated at the instance of the petitioner is now pending before the appellate forum and even before this Hon'ble Court and as such there is genuine difficulty in registering a regular case and deciding the encroachment by the Circle Officer, Piparia.

5. Considering the aforesaid, the writ application is disposed of with a direction to the Circle Officer, Piparia, Lakhisarai to examine (a) whether the plot in question is a Public road, (b) whether any proceeding was earlier initiated with regard to the encroachment over the aforesaid plot numbers, and (c) whether any proceeding is pending either before the appellate authority or before this Court.

6. In the event, no proceeding pertaining to the aforesaid plots is pending either before the appellate authority or before this Court, the Circle Officer, Piparia, Lakhisarai shall register a regular case and thereafter he shall provide opportunity of hearing to all stakeholders including the alleged



encroachers and the petitioner and thereafter pass appropriate order for removal of encroachment.

7. Necessary decision in the line of observation made by this Court must be taken by the Circle Officer, Piparia, Lakhisarai within a period of six months from the date of receipt/production of a copy of this order.

8. With the aforesaid, this application stands disposed of.

(Anil Kumar Upadhyay, J)

uday/-

U			
---	--	--	--

