

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16625 of 2015

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Arun Sahni Son of late Lal Babu Sahni resident of VillagePo. Hussaini P.s
Dumariya Dist East Champaran elected Chairman of kesharia Prakhand
Matsyajivi Sahyog samiti Ltd.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The Divisional Commissioner Tirhut Division Muzaffarpur.
4. The District Magistrate ,Motihari.
5. The Superintendent of Police Motihari.
6. The Director Fisheries, Bihar Patna.
7. The Deputy Director Fisheries , Tirhut Division Muzaffarpur.
8. The Sub-Divisional Officer, Chakiya Distt Motihari.
9. The Deputy Collector Land Reforms Chakiya Distt Motihari.
10. The Circle officer, Kesharia Distt Motihari.
11. The District Fisheries Officer-cum-Chief Executive Officer, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.R.N. Prasad, Adv
For the State	:	Mr. Ajeet Kumar GA-9 & Mr. Vikash Jha AC to GA-9.

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 20-05-2019

Heard learned counsel for the parties.

2. This writ application has been filed by the petitioner
to command respondent-authorities to take necessary steps to



remove the encroachment upon the Dhamni Husaini Jalkar which has been settled with petitioner society for seven years from 01.07.2012 to 30.06.2019.

3. It has been submitted by the counsel for the petitioner that by order dated 28.09.2012 altogether 29 Jalkars have been settled with petitioner-society from 01.07.2012 to 30.06.2019 on reserved jama of Rs. 1,08,300/- and same was deposited and parwana was issued vide memo dated 14.01.2015, however, after settlement petitioner found that Dhamni Husaini Jalkar bearing Plot No. 2840, Khata No. 288, Area 27.56 Decimals have been encroached by unauthorized persons.

4. Counter affidavit has been filed on behalf of respondent nos. 1, 6 and 11, in which it has been stated that the Jalkar in question measuring 27.56 Acres was handed over to department of Fisheries for its settlement and development of Fisheries scheme in Bihar. On receipt of complaint regarding encroachment, Circle Officer, Keshariya-respondent no. 10, and Police Incharge Dumriya Ghat Police Station, were directed to remove the encroachment made over the portion of Jalkar.

5. Counter affidavit has been filed on behalf of respondent no. 5 in which it has been stated that the report was called for from the concerned police station who reported that



there is encroachment made by several unauthorized persons and a proceeding has been initiated by the Circle Officer, Keshariya, against 15 persons who were found to have encroached over the land giving rise to Encroachment Case No. 8/2016-17 and notices were issued upon the persons who were found to have encroached over the land of Jalkar. The concerned police station has also instituted non FIR Case No. 25/2017 dated 17.08.2017 and same has been forwarded to SDM, Chakiya, for initiation of proceeding under Section 107 of Cr.P.C and local police is keeping vigil over the land.

6. On the basis of statements made in counter affidavit, it is clear that respondent-authorities have taken effective measures and have also identified the persons who have encroached over the Jalkar land and have also taken steps and initiated proceedings for their removal from the encroached land in accordance with law under the provisions of Bihar Public Land Encroachment Act, 1956, against the encroachers and proper action has been taken on representation filed by petitioner and as such there is no need to keep the matter pending and on conclusion of encroachment case, encroachers who are found to have encroached upon the Jalkar shall be evicted in accordance with law.



The writ petition is disposed of.

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.05.2019
Transmission Date	NA

