

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24477 of 2018

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Ramaekaval Yadav, Son of Late Bhikhi Yadav, Resident of Village- Bharthui,
P.S.- Dhanauti (O.P.), District Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Land Revenue, Bihar, Patna.
2. The Collector Cum District Magistrate, Siwan.
3. The Sub Divisional Officer, Siwan Sadar, Siwan.
4. The Circle Officer, Siwan Sadar, District-Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)

3 18-11-2019 Heard learned counsel for the petitioner and learned
counsel for the respondents.

The present writ application has been filed for removal of encroachment from public land. The specific relief has been stipulated in paragraph no.1 whereas the detail of the land has been enumerated in paragraph no.3 of the petition, which read as follows:-

“1. That this application is being filed for issuance of an appropriate writ order, or direction to the respondents for getting the encroachment over Pokhar Bhinda Rasta Janki Mandir etc., meant for general public, described in detail in paragraph no.3 of this writ



application vacated accordingly to keep it so that in future also no encroachment on the land should be allowed.

3. That the land in dispute in the present case is as follows:-

Gairmazarua Aam Pokhar, Bhinda, Janki Mandir Samudaik Bhawan Rasta Chath, etc.,

I. Khata No. 87, Survey Plot No. 162, Rakba 1 bigha 10 katha, 12 dhur; and

II. Khata No. 87, Survey Plot No. 161, Rakba 3 Bigha, 11 Katha, Situated in village Bharthuai, P.O. Dhanauti Moth, Panchayat Raj Makhiyar, Anchal Siwan, P.S. Siwan Muffasil, (O.P. Dhanauti) District Siwan, that land is recorded in the recent Revisional Khatian as Gairmazarua Malik.”

It is submitted by learned counsel for the respondent-State that the encroachment proceeding, vide Encroachment Case No. 05 of 2016-17 has already been initiated but still the same has not been concluded.

Learned counsel for the petitioner submits that the said encroachment proceeding should be taken to its logical conclusion at the earliest.

Since the encroachment proceeding has not been concluded in about last three years which suggests the callous manner in which the concerned authority is conducting such proceeding.

In the circumstances, it is expected from the authority



concerned that the aforementioned encroachment proceeding be concluded after giving due opportunity of hearing to all affected persons within a period of three months from the date of receipt/production of a copy of this order.

Considering the aforementioned facts and submissions of learned counsels for the parties, we are not inclined to proceed any further in the matter.

Accordingly, the instant application stands disposed of.

(Sanjay Karol, CJ)

(Dinesh Kumar Singh, J)

Anil/Amrendra

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