

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2940 of 2019

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Hitlal Rai Son of Late Maksudan Rai Resident of Village- Kudwa, Police
Station- Chakmehsi, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms and Revenue Department, Government of Bihar, Patna
2. The District Magistrate, Samastipur
3. The Sub Divisional Officer, Samastipur
4. The Circle Officer, Samastipur
5. Ramchandra Rai Son of Late Rammilan Rai Resident of Village- Kudwa, Police Station- Chakmehsi, District- Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad
For the Respondent/s : Mr.Md. Khurshid Alam (Aag 12)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 11-07-2022 Though, the present writ petition has been filed to remove encroachment made over a piece of land appertaining to Khata no. 329, Khesra No. 2294 area 11 decimal and Khesra No. 2295, area 17 decimal of Mauja Kudwa, Thana No. 65 in village Kudwa Tole Kothiya, Police Station Chakmehsi, Block and Circle Office- Kalyanpur, District Samastipur, however, since the Respondent State has filed a counter affidavit and stated therein that an encroachment case bearing Encroachment Case No. 01 of 2018-19 has already been initiated by the Circle Officer, Kalyanpur, where-after steps have been taken to remove the encroachment in question,



the learned counsel for the petitioner has submitted that the District Magistrate, Samastipur/ Circle Officer, Kalyanpur be directed to do needful in the matter so that the encroachment in question can be removed.

Per contra, the learned counsel appearing for the private respondent no.5 has submitted that the Circle Officer, Kalyanpur has already passed the final order under section 6(1) of the Bihar Land Encroachment Act, 1956 in the aforesaid Encroachment case no. 1 of 2018-19, which has also been challenged by the private respondent no.5 by filing an appeal in which an order of status quo has been granted by the appellate authority.

Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose of the present writ petition with a direction to the District Magistrate, Samastipur to enquire into the matter and in case it is found that the appeal of the private respondent no. 5 has already been disposed of, necessary direction be issued to the Circle Officer, Kalyanpur, forthwith for removal of the encroachment in question, however, in case he finds that the appeal of the petitioner is pending, the same be disposed of within a period of eight weeks from the date of receipt/ production of a copy of this order.



The writ petition stands disposed of on the aforesaid
terms.

(Mohit Kumar Shah, J)

Tiwary/-

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