

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3247 of 2017

In
Civil Writ Jurisdiction Case No.20757 of 2014

=====

Ashok Kumar Son of Late Shree Kant Singh, resident of Villagae- Chiutahan,
P.S.- Ramgarhwa, District-East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar Through Sri Raman Kumar The Collector, East Champaran.
2. Ravindra Kumar, The Circle Officer, Ramgarhwa, District- East Champaran.
3. Shree Prakash, The Sub - divisional Officer, Raxaul, District - East Champaran.
4. Rajesh Kumar, The Officer-in- Charge, P.S. - Ramgarhwa, Distirct -East Champaran.
5. Fuldeo Singh son of Late Ram Singar Singh,
6. Jagat Narain Singh Son of Lal Prasad Singh,
7. Vijay Kumar Singh son of Late Surya Singh,
8. Rambachchan Singh son of Late Himachal singh,
9. Ashok Prasad son of Late Maya Sah,
10. Mohan Sah Son of Late Shivani Sah,
11. Vishwanath Sah Son of Late Yoglal Sah,
12. Balram Singh Son of Lal Prasad Singh, All are residents of Village- Ahiraulia Tola Chiutahan, P.O. - Ramgarhwa, District- East Champaran.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Tondon, Advocate
For the Opposite Party/s : Mr.Khurshid Alam, AAG-12

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

9 30-11-2022 This petition has been filed alleging non-compliance

of the order dated 11.04.2017, passed in C.W.J.C. No. 20757 of

2014, titled as Ashok Kumar Vs. The State of Bihar & Ors., by a

learned Single Bench of this Court.

Operative portion of the order reads as under:



“In the circumstances, the petitioner is permitted to submit a detailed representation before the respondent no. 2, The Circle Officer, Ramgarhwa within a period of two weeks. The Circle Officer is expected to examine the issue and if he thinks that encroachment has been made on a public road then he will initiate an encroachment proceeding under Section 3(1) of the Bihar Public Land Encroachment Act immediately and will take it to its logical conclusion within a period of five months from the date of receipt/production of a copy of this order, after giving due opportunity of being heard to all the affected persons in accordance with provisions of Bihar Public Land Encroachment Act.”

In the response affidavit dated 01.11.2022 it is averred in para-4 and 5 as under:

“4. That it is relevant mention that the C.W.J.C. No-3601 of 2018, in which the Hon’ble Court was pleased to order to maintain status quo in respect of the land in question i.e. Plot No-2092 vide order dated 26.02.2018 the opposite party no-1 Circle Officer, Ramgarhwa, already filed a counter affidavit vacating the status quo has not been brought in the notice of the answering opposite party as yet.

5. That pursuant thereto the encroachment concerned was removed except from plot no-2092 since status quo has been maintained in compliance with the order of the Hon’ble High Court, Patna in dated 26.02.2018 passed in C.W.J.C. No-3601 of 2018. The removal of encroachment from plot no-2092 will



depend on the outcome of the final order to be passed in C.W.J.C. No-3601 of 2018.”

In the considered view of the Court, there is no disobedience, much less wilful at that. The action for removal of encroachment stands taken. In fact, it is only on account of pendency of C.W.J.C. No. 3601 of 2018, titled as Krishmohan Sah @ Krishnamohan Sah & Ors. Vs. The State of Bihar & Ors., and orders passed therein that all encroachments could not be removed.

As such, present petition is disposed of, reserving liberty to move an appropriate application in the said application seeking vacation of the order.

(Sanjay Karol, CJ)

K.C.Jha/DKS

U			
---	--	--	--

