

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7742 of 2022

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Md. Isaratullah son of Late Md. Naim @ Late Md. Naimuddin, resident of Village- Ward No. 02, Bela, Telwa, P.O.- Situhar, P.S.- Supaul, District- Supaul, State- Bihar- 852130.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Dept. Govt. of Bihar, Patna
2. The District Magistrate, Supaul.
3. The Chief Engineer, Flood Control and Water Release, Water Resources Department, Birpur, Supaul.
4. The Circle Officer, Supaul.
5. The Rehabilitation Officer, Supaul.
6. Md. Abdulhadi son of late Md. Late Mahbub Ali, resident of Village- Chakdumariya Punarwas, P.S.- Supaul, District- Supaul, State- Bihar.
7. Md. Nurullah son of Md. Abdulhadi, resident of Village- Chakdumariya Punarwas, P.S.- Supaul, District- Supaul, State- Bihar.
8. Md. Jafar son of late Md. Abdulhadi, resident of Village- Chakdumariya Punarwas, P.S.- Supaul, District- Supaul, State- Bihar.
9. Md. Ruhullah son of Md. Abdulhadi, resident of Village- Chakdumariya Punarwas, P.S.- Supaul, District- Supaul, State- Bihar.
10. Md. Jakariya son of late Md. Ebadat Hussain resident of Village- Chakdumariya Punarwas, P.S.- Supaul, District- Supaul, State- Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Madhav Kumar, Advocate
For the Respondent/s : Mr.Vinay Kirti Singh (GA-2)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-12-2022 The present writ petition has been filed for seeking
the following reliefs:-

*“1(i). For issuance of a direction, order or writ,
including writ in the nature of MANDAMUS,
direction to the respondent authorities especially
the Rehabilitation Officer, Kosi project Supaul*



and Circle Officer, Supaul to remove the encroachment from the encroached site, assurance of later which vide memo no.- 1243 dated – 24/07/2015 (ANNEXURE – 1) of the Director, Land Acquisition & Rehabilitation, Water Resources Department govt. of Bihar, Patna. Whereunder the Director of the said department has directed the Rehabilitation officer, Koshi Project, Supaul to remove the encroachment by instituting an encroachment case under the Bihar Public Land Encroachment Act for emancipating the encroached land of the rehabilitation department.

(ii) For issuance of an appropriate writ/writs, direction/directions upon the Circle Officer, Supaul (respondent no.4) to initiate proceeding by institute an encroachment case against the private respondents.

(iii) For issuance of a direction/directions or writ/writs including writ in the nature of mandamus commanding the concerned respondent authorities under the rehabilitation department specially the respondents no. 4 and 5 to provide the petitioner with the layout allotted to the name of his grandfather under the rehabilitation scheme and settle him their it without further delay by taking effective steps against the unauthorized occupants.”

The learned counsel for the Respondent-State has



filed a counter affidavit, which is taken on record, wherein it has been stated that the Circle Officer, Supaul has already initiated an encroachment case bearing Encroachment Case No. 9/2022 and the same would be taken to its logical conclusion within a stipulated time frame.

The learned counsel for the petitioner submits that the Circle Officer, Supaul be directed to conclude the proceedings of the aforesaid Encroachment Case No. 9/2022, expeditiously.

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 Circle Officer, Supaul to conclude the proceedings of the aforesaid Encroachment Case No. 9/2022, by passing the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in accordance with law and after hearing the affected parties, within a period of twelve weeks of receipt / production of a copy of this order.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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