

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3972 of 2018

=====

Sunil Kumar Son of Sogarath Sah, resident of Village Patanuka, Police Station Nanpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar through the District Magistrate, Sitamarhi.
2. The District Magistrate, Sitamarhi.
3. The Additional Collector, Sitamarhi-cum-First Appellate Authority, District-Sitamarhi.
4. The Sub Divisional Officer, Pupari-cum-Sub Divisional Public Complaint Redressal Officer, Pupari, D
5. The Circle Officer, Bokhara, District- Sitamarhi.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Ravindra Nath Dubey, Adv.

Ms. Punam Kumari, Adv.

For the Respondent/s : Mr. Mukul Prasad, AC to Gp18

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 19-07-2022 Though, the present writ petition has been filed to remove the encroachment made by the encroachers over the road situated under Gram Panchayat Singhachouris, Patanuka, Ward No. 7 for which Encroachment Case No. 4 of 2017-18 has been instituted, however, no action has been taken yet, but the learned counsel for the petitioner has confined his relief to issuance of necessary directions to the Circle Officer, Bokhara, District Sitamarhi i.e. the Respondent no. 5 to take appropriate action and remove the encroachment in question.

Per contra, the learned counsel for the Respondent State has submitted by referring to the counter affidavit filed in



the present case that though, it appears that the final order u/s 6(1) of the Bihar Public Land Encroachment Act, 1956 has not been passed, however, notices have been issued to the encroachers u/s 6(2) of the Bihar Public Land Encroachment Act, 1956 and even requisition has been made from the District Administration to deploy police force for removal of the encroachment, however, the encroachment in question has not been removed yet.

Having regard to the facts and circumstances of the case, this Court directs the Respondent No. 5 to pass the final order in the said Encroachment Case No. 4 of 2017-18 u/s 6(1) of the Bihar Public Land Encroachment Act, 1956, if not already passed, within a period of eight weeks of receipt/ production of a copy of this order, after hearing the effected parties. It is further directed that in case it is found that encroachments have actually been made over the land in question, then the same shall be removed within a period of 12 weeks, thereafter.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

Tiwary/-

U			
---	--	--	--

