

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1691 of 2023

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Md. Naushad Alam Son of Md. Adam Khan @ Md. Adam, resident of village
- Barmotara, Ward No. 01, P.S. - Balua Bazar, District - Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Supaul.
3. The Sub-Divisional Officer-cum-Sub-Divisional Public Grievance Redressal Cell, Birpur, District - Supaul.
4. The Circle Officer, Raghopur, District - Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra
For the Respondent/s : Mr.Raj Kishore Roy (Gp18)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 05-04-2023 The present writ petition has been filed seeking the
following relief:-

“1. That this application is being preferred for issuance of appropriate order/orders, direction/directions, writ(s), preferably in the nature of Mandamus, commanding and directing the Respondents authorities concerned to remove the illegal encroachment from the public land/Rasta of Mauza- Arraha, Thana No.73, Khesra No.1429 which is Gaimazarua Aam land and being used by the petitioner for his in-grace and out-grace through the said public land but some anti-social person has illegally been encroached the same by making illegal construction over the same and despite initiating the Encroachment proceeding



bearing Encroachment Case No. 04/2021-22 at the instance of petitioner, issuing notices, order passed by the Circle Officer, Raghapur and Sub-Divisional Officer, Birpur and even appointing the Magistrate with police force twice to remove the said illegal encroachment in question vide Memo No. 1242-2 dated 10.10.2022 jointly by the Sub-Divisional Police Officer as well as Sub-Divisional Officer, no final conclusion reached to its logical end as encroachment in question is still there, as a result of which petitioner is facing great difficulty in his in-grace and out-grace. And/or any other order(s), direction(s) for granting any other relief/reliefs which this Hon'ble Court may think fit. and proper in the facts and circumstances of this case.”

The learned counsel for the Respondent-State has filed a counter affidavit, duly sworn by the District Magistrate, Supaul, wherein it has been stated that on account of pendency of encroachment appeal no. 2 of 2022, the encroachment in question has not been removed, despite passing of the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, by the Circle Officer, Raghapur, District-Suapul, in connection with Encroachment Case No. 4 of 2020-21 and issuance of direction by the Sub-Divisional Officer, Birpur, for deputing Magistrate and police officials



along with police force for removal of the encroachment in question. It is further submitted that the aforesaid appeal shall definitely be disposed off, within a stipulated time frame fixed by this Court.

Having regard to the facts and circumstances of the present case, I deem it fit and proper to direct the appellate authority to pass the final order in the aforesaid pending encroachment appeal no. 2 of 2022, in accordance with law and after hearing the affected parties, within a period of six weeks from today, whereupon appropriate consequential action shall be taken forthwith.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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