

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2302 of 2023

=====

Mohammad Naseem Khan Son of Mohammad Kalim Khan, Resident of 9B, Gound Floor, Haji Mohammad Ebrahim Chawl, Sant Kakkaya Marg, Kuttiwadi, Dharavi X Road, Mumbai, Maharashtra Presently resident of Village- Pathan Toli, Ward No. 09, Massa, P.S.- Jale, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Darbhanga.
2. The Collector, District- Darbhanga.
3. The Addl. Collector, District- Darbhanga.
4. The Sub-Divisional Officer, Sadar, District- Darbhanga.
5. The Circle Officer, Anchal- Jale, District- Darbhanga.
6. The Anchal Amin, Anchal- Jale, District- Darbhanga.
7. Md. Aslam Khan Son of Late Abdul Rahman, Resident of Village and P.O.- Massa, P.S.- Jale, District- Darbhanga.
8. Md. Mazhar Khan Son of Late Abdul Rahman, Resident of Village and P.O.- Massa, P.S.- Jale, District- Darbhanga.
9. Md. Mushtaque Khan Son of Late Abdul Rahman, Resident of Village and P.O.- Massa, P.S.- Jale, District- Darbhanga.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Nafisuzzoha, Advocate
	:	Mr. Md. Manhar Ali, Advocate
For the Respondent/s	:	Mr.Md. Khurshid Alam (AAG 12)

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 26-07-2023

1. The present petition has been filed seeking the following reliefs :-

“(i) To issue appropriate writ in the nature of Mandamus or any other appropriate writ/order/ direction commanding the respondent Circle Officer, Anchal Jale. District- Darbhanga to comply the order dated 19.072019, passed by the District



Magistrate, Darbhanga cum second appellate authority, Public Grievances Redressal Officer, by which he was directed to complete the proceeding of removal encroachment by 25.01.2021 of the public land as mentioned Anabad Sarvasadharan, category- Rasta.

b) To issue a writ in the nature of Mandamus, or any other appropriate writ, order, direction for commanding the respondent Circle Officer, Jale, Darbhanga to complete the proceeding initiated under Encroachment Case No. 12/2019, by the Circle Officer and measurement has already completed, by which the respondent no. 7 has illegally encroached the public way (rasta) by making houses.

c) To issue a writ in the nature of Mandamus, or any other appropriate writ / order / directions for commanding the respondent authorities to settle the matter as early as possible, in view that there is always public nuisance due to negligence of the respondent authorities and criminal conspiracy going on against the petitioner and public of the locality.”

2. At the outset, the learned counsel for the petitioner seeks a direction upon the Circle Officer, Jale, District-



Darbhanga to dispose off the pending Encroachment case no. 12 of 2019.

3. Having regard to the limited prayer made by the petitioner in the present writ petition, I deem it fit and appropriate to direct the Circle Officer, Jale, District-Darbhanga to dispose off the aforesaid pending encroachment case, by passing the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, after hearing the affected parties and in accordance with law, within a period of eight weeks of receipt/ production of a copy of this order.

4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

rinkee/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.07.2023
Transmission Date	NA

