

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4416 of 2024

Diwakar Jha Son of Late Harikant Jha, Resident of Village - Basudeopur,
Police Station and Anchal- Kalyanpur, District - Samastipur.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Land Reforms Department, Government of Bihar, Patna.
3. The District Magistrate, Samastipur.
4. The Sub Divisional Officer, Samastipur.
5. The Deputy Commissioner Land Reforms, Samastipur.
6. The Circle Officer, Block Kalyanpur, District Samastipur.
7. Mahindra Das, Son of Thithar Das Resident of Village Akbarpur, Gajpati (Basudeopur), Ward No.- 8. Police Station Kalyanpur, District- Samastipur.
8. Gopal Das, Son of Baudhu Das Resident of Village Akbarpur, Gajpati (Basudeopur), Ward No.- 8. Police Station Kalyanpur, District- Samastipur.
9. Tuntan Das, Son of Baudhu Das Resident of Village Akbarpur, Gajpati (Basudeopur), Ward No.- 8. Police Station Kalyanpur, District- Samastipur.
10. Sudhir Das, Son of Sarindra Das Resident of Village Akbarpur, Gajpati (Basudeopur), Ward No.- 8. Police Station Kalyanpur, District- Samastipur.
11. Heera Das, Son of Sarindra Das Resident of Village Akbarpur, Gajpati (Basudeopur), Ward No.- 8. Police Station Kalyanpur, District- Samastipur.
12. Bablu Das, Son of Sarindra Das Resident of Village Akbarpur, Gajpati (Basudeopur), Ward No.- 8. Police Station Kalyanpur, District- Samastipur.
13. The Superintendent of Police, Samastipur.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Bijay Bhushan Prasad, Advocate
For the Respondent	:	Mr. Sajid Salim Khan, S.C.-25

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 08-04-2024

Heard the parties.

2. Learned counsel for the petitioner is
permitted to add the Superintendent of Police, Samastipur as



respondent no.13 to this writ petition during course of the day.

3. In this case, the petitioner is seeking a direction upon the official respondents to remove the encroachment over a public land which has been encroached by the private respondents.

4. The contention of learned counsel for the petitioner is that final order for removal of encroachment has been passed by the Circle Officer, Kalyanpur, District-East Champaran against the private respondents in Encroachment Case No.04 of 2022-23 but the encroachment has not been removed. He has made a statement that no appeal against the final order of the Circle Officer for removal of encroachment is pending.

5. In view of the aforesaid, this writ petition is disposed of with a direction to the Circle Officer, Kalyanpur, District- East Champaran to remove the encroachment, as decided by him, if there is no legal impediment for removal of the same i.e. if no appeal or any other case is pending in any Court of law against his final order.

6. The Superintendent of Police, Samastipur is directed to provide police force to the Circle Officer, Kalyanpur, as has been requested by him, for removal of encroachment.



7. Let a copy of this order be communicated to the Superintendent of Police, Samastipur forthwith through FAX or e-mail through FAX or email for its compliance.

(Sandeep Kumar, J)

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