

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4956 of 2024

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Bihari Mukhiya Son of late Chitrasain Mukhiya, Resident of village-Mahuain,
P.S. and Anchal-Bajpatti, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar Through District Magistrate, Sitamarhi.
2. The District Magistrate-cum-Collector, Sitamarhi.
3. The Deputy Collector, Land Reforms, Pupari, District-Sitamarhi.
4. The Sub-divisional Magistrate -cum-Sub-divisional Officer, Pupari, District-Sitamarhi.
5. The Circle Officer, Bajpatti, Circle-Bajpatti, District-Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Devendra Kumar, Advocate
For the Respondent/s : Mr.Madhukar Mishra, AC to SC-16

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-06-2024 1. The present writ petition has been filed seeking the
following relief(s):-

“1. That this is an application for issuance of writ in the nature of mandamus or any other appropriate writ/writs, direction/directions, order/orders directing and commanding the Respondent Authorities for expeditiously disposal of Encroachment Removal Proceeding Case No. 11/2021-22 pending before the Respondent No.5 since last two years without compliance of the decision dated 19/09/2022 passed by District Magistrate-cum- Second Appellate Authority Sitamarhi, whereas the obstruction/interruption over public place



pertaining to Thana No. 38, Khata No. 457, Khesra No. 567 area 1 dec. whereas as per map 2.25 dec. land and Khata No. 456, Khesra Nos. 592 & 593, area 4 dec. situated in village- Mahuain, Anchal-Bajpatti, District- Sitamarhi over the public road and the local residents common public are bound to face much difficulty like serious situation for communication since long time.”

2. At the outset, the learned counsel for the petitioner seeks a direction upon the Circle Officer, Bajpatti, Circle-Bajpatti, District-Sitamarhi to dispose off the pending encroachment proceedings initiated vide Encroachment Case No.11 of 2021-22.

3. Per contra, the learned counsel for the respondent-State submits that in case the aforesaid proceedings are still pending, the same would definitely be disposed off, within a fixed time frame, as is fixed by this Court.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Circle Officer, Bajpatti, Circle-Bajpatti, District-Sitamarhi to conclude the proceedings of the aforesaid Encroachment Case No.11 of 2021-22, by passing the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in case the same has not



yet been passed, in accordance with law and after hearing the affected parties, within a period of six weeks of receipt/production of a copy of this order.

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

(Mohit Kumar Shah, J)

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